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To: Councillor McRae, Chairperson; and Councillors Farquhar, Lawrence, Macdonald and Radley.

Town House,
ABERDEEN 2 October 2023

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet remotely on **MONDAY, 9 OCTOBER 2023 at 10.00 am.**

JENNI LAWSON
INTERIM CHIEF OFFICER – GOVERNANCE (LEGAL)

Members of the Public can observe the meeting via Microsoft Teams [here](#).

BUSINESS

1.1 Procedure Notice (Pages 5 - 6)

COPIES OF THE RELEVANT PLANS / DRAWINGS ARE AVAILABLE FOR INSPECTION IN ADVANCE OF THE MEETING AND WILL BE DISPLAYED AT THE MEETING

Link to the [Local Development Plan](#)

TO REVIEW THE DECISION OF THE APPOINTED OFFICER TO REFUSE THE FOLLOWING APPLICATIONS

PLANNING ADVISER - LUCY GREENE

2.1 **36 Albyn Place - Erection of Balcony with External Stairs and Formation of Door from an Existing Window Opening to Rear - Planning Ref 230652**

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 230652.

- 2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 7 - 22)
- 2.3 Planning Policies Referred to in Documents Submitted (Pages 23 - 24)
- 2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 25 - 52)
- 2.5 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 2.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer
- 3.1 **Land to Rear of 6 Craighden - Change of Use from Public Open Space to Private Gated Communal Garden and Erection of Associated Enclosure Fence with Gate (retrospective) - Planning Ref 221307**
Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 221307.
- 3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 53 - 90)
- 3.3 Planning Policies Referred to in Documents Submitted (Pages 91 - 92)
- 3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 93 - 332)
- 3.5 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 3.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer
- 4.1 **636 King Street - Change of use of House in Multiple Occupation (HMO) to serviced apartments (retrospective) - Planning Ref 230918**
Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 230918.

- 4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 333 - 362)
- 4.3 Planning Policies Referred to in Documents Submitted (Pages 363 - 364)
- 4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 365 - 370)
- 4.5 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 4.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

Website Address: aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Mark Masson on mmasson@aberdeencity.gov.uk / tel 01224 067556

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LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE


GENERAL

1. The Local Review Body of Aberdeen City Council (the LRB) must at all times comply with (one) the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 (the regulations), and (two) Aberdeen City Council's Standing Orders.
2. Local members are not permitted to sit on cases that fall within their ward.
3. In dealing with a request for the review of a decision made by an appointed officer under the Scheme of Delegation adopted by the Council for the determination of "local" planning applications, the LRB acknowledge that the review process as set out in the regulations shall be carried out in stages.
4. As the first stage and having considered the applicant's stated preference (if any) for the procedure to be followed, the LRB must decide how the case under review is to be determined.
5. Once a notice of review has been submitted interested parties (defined as statutory consultees or other parties who have made, and have not withdrawn, representations in connection with the application) will be consulted on the Notice and will have the right to make further representations within 14 days.
Any representations:
 - made by any party other than the interested parties as defined above (including those objectors or Community Councils that did not make timeous representation on the application before its delegated determination by the appointed officer) or
 - made outwith the 14 day period representation period referred to abovecannot and will not be considered by the Local Review Body in determining the Review.
6. Where the LRB consider that the review documents (as defined within the regulations) provide sufficient information to enable them to determine the review, they may (as the next stage in the process) proceed to do so without further procedure.
7. Should the LRB, however, consider that they are not in a position to determine the review without further procedure, they must then decide which one of (or combination of) the further procedures available to them in terms of the regulations should be pursued. The further procedures available are:-
 - (a) written submissions;
 - (b) the holding of one or more hearing sessions;

- (c) an inspection of the site.
8. If the LRB do decide to seek further information or representations prior to the determination of the review, they will require, in addition to deciding the manner in which that further information/representations should be provided, to be specific about the nature of the information/representations sought and by whom it should be provided.
 9. In adjourning a meeting to such date and time as it may then or later decide, the LRB shall take into account the procedures outlined within Part 4 of the regulations, which will require to be fully observed.

DETERMINATION OF REVIEW

10. Once in possession of all information and/or representations considered necessary to the case before them, the LRB will proceed to determine the review.
11. The starting point for the determination of the review by the LRB will be Section 25 of the Town and Country Planning (Scotland) Act 1997, which provides that:-
 - “where, in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise.”
12. In coming to a decision on the review before them, the LRB will require:-
 - (a) to consider the Development Plan position relating to the application proposal and reach a view as to whether the proposal accords with the Development Plan;
 - (b) to identify all other material considerations arising (if any) which may be relevant to the proposal;
 - (c) to weigh the Development Plan position against the other material considerations arising before deciding whether the Development Plan should or should not prevail in the circumstances.
13. In determining the review, the LRB will:-
 - (a) uphold the appointed officers determination, with or without amendments or additions to the reason for refusal; or
 - (b) overturn the appointed officer’s decision and approve the application **with or without appropriate conditions**.
14. The LRB will give clear reasons for its decision.

 <p>ABERDEEN CITY COUNCIL</p>	<p>Strategic Place Planning</p> <hr/> <p>Report of Handling</p>
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Site Address:	36 Albyn Place, Aberdeen, AB10 1YN,
Application Description:	Erection of balcony with external stairs and formation of door from an existing window opening to rear
Application Ref:	230652/DPP
Application Type:	Detailed Planning Permission
Application Date:	29 May 2023
Applicant:	Mr P Webb
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Queen's Cross and Harlaw
Case Officer:	Jane Forbes

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site lies on the south side of Albyn Place, at a distance of some 160m east of the Queen's Cross roundabout and within the Albyn Place/Rubislaw Conservation Area. The site comprises a traditional, Category C listed, 2 storey granite semi-detached property with basement and attic floor with a 2 storey granite gable extension and its associated front and rear curtilage.

Historic Environment Scotland's listing description, which also includes the other half of the semi-detached properties, describes the buildings as *"Mid 19th century. 2-storey, 4-bay double villa with Italianate detailing. Tooled coursed granite ashlar finely finished to margins. Battered base course; rusticated long and short quoins; dividing band course; eaves course; overhanging eaves supported on decorative timber brackets"* and of specific relevance to this application, the south (rear) elevation is described as *"4-bay; symmetrical; regularly placed narrow windows to ground and 1st floor of centre 2 bays, sheet-glass rectangular dormers to attic floor; bays to left and right advanced, 3 windows set in bowed bay to ground and 1st floors of each, 3-light canted dormer windows to attic floor above"*.

To the rear of the property is an area of garden ground, enclosed along both east and west boundaries by means of a traditional granite rubble wall. Beyond the garden ground and outwith the red line boundary of the current application site, but within the same ownership, is an area of

car parking and garages accessed off Albyn Lane. The front curtilage is mainly laid over to hardstanding which provides on-site car parking with vehicular access off Albyn Place.

Relevant Planning History

220733/DPP - Change of Use from class 2 (financial, professional and other services) to class 9 (house). Approved unconditionally on 14 July 2022.

221457/LBC - Erection of fence (rear); installation of railings & gate (front); replacement of rainwater goods to front and rear; associated internal works including removal of existing and installation of new partitions. Approved conditionally on 17 May 2023.

221476/LBC – Installation of replacement windows, doors & rooflights. Approved unconditionally on 24 May 2023.

221477/DPP – Erection of fence to rear; installation of railings and gate to front; replacement rainwater goods to front & rear; window, door & rooflight replacement and associated works. Approved conditionally on 16 May 2023.

221498/LBC - Installation of gas meter box to front. Approved unconditionally on 10 March 2023.

230653/LBC - Erection of balcony with external stairs and formation of door from an existing window opening to rear. No decision.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the erection of a balcony to the rear of the property, to be located at 1st floor level, which relates to the ground floor of the internal accommodation and wrapping around the 3 storey bowed bay, with external stairs providing access to the garden. The proposal also includes the formation of a door opening from an existing window located at ground floor level on the rear elevation of the bowed bay, to serve the basement level accommodation.

The proposed steel framed balcony structure would wrap around the bay and include a timber floor and curved steel frame stair and landing. The balcony would wrap around the (rear) southern elevation of the balcony and provide access to the rear garden. It would extend to an overall width of 6.13 metres across the rear elevation of the building and have a total projection of 3.6 metres. The total floorspace of the balcony, excluding the stairs, would extend to some 15.5m².

The proposal would see the width of the existing window retained and the opening extended downwards to allow for the installation of a double leafed door which would be timber framed, finished in white and fully glazed.

Amendments

None.

Supporting Documents

All drawings can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RV9O53BZJXS00>

CONSULTATIONS

Queen's Cross and Harlaw Community Council – No comments received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Development Plan

National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 7 (Historic Assets and Places)
- Policy 14 (Design, Quality and Place)

Aberdeen Local Development Plan 2023 (ALDP)

The following policies are relevant –

- Policy VC6 (West End Area)
- Policy D1 (Quality Placemaking)
- Policy D6 (Historic Environment)
- Policy D7 (Our Granite Heritage)
- Policy D8 (Window and Doors)

Interim Aberdeen Planning Guidance (APG)

Aberdeen Planning Guidance is Interim Planning Guidance. The documents hold limited weight until they are adopted by the Council. The weight to be given to Interim Planning Guidance prior to its adoption is a matter for the decision maker. The following guidance is relevant –

- Repair or Replacement of Windows & Doors

Other National Policy and Guidance

- Historic Environment Policy for Scotland (HEPS)
- Historic Environment Scotland's Managing Change in the Historic Environment Guidance (MCHE): Windows, Doors, External Fixtures and Setting

Other Material Considerations

- Albyn Place and Rubislaw Conservation Area Character Appraisal

EVALUATION

The legislative and national policy requirements are the key determining factors for this proposal.

Assessment against Policy VC6 (West End Office Area) of the Aberdeen Local Development Plan 2023 (ALDP)

The application site lies within the West End Office Area, zoned under Policy VC6 in the Aberdeen Local Development Plan 2023 (ALDP) and characterised by a mix of uses including residential, office and food and drink. Policy VC6 (West End Office Area) states that applications for all development must take into account existing uses and avoid undue conflict with the adjacent land uses and amenity. Policy VC6 also requires all development proposals to respect the special historic and architectural character of the West End.

The proposal would not conflict with adjacent uses as required under Policy VC6 of the ALDP. The potential impact of the proposed development on the historic and architectural character of the West End is considered and outlined in detail in the following section of the evaluation.

Design, Scale and Impact on the Historic Environment (Special Character of the Listed Building and on the Appearance of the Conservation Area)

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that, in respect to any buildings in a conservation area, the planning authority pays special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that, when considering whether to grant planning permission for development which affects a listed building or its setting, the planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Under Policy 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4), high quality design is sought for development proposals with a view to improving the overall quality of an area and this aligns with Policy D1 (Quality Placemaking) of the ALDP which seeks to ensure high standards of design for development proposals, with a strong and distinctive sense of place as a

result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Whilst accepting that not all development will be of a scale that makes a significant placemaking impact Policy D1 recognises that good design and detail adds to the attractiveness of the built environment.

Policy 7 (Historic Assets and Places) of NPF4, Historic Environment Policy for Scotland (HEPS) and Policy D6 (Historic Environment) of the ALDP all require works to listed buildings to either preserve or enhance the special character of the listed building and works in conservation areas to either preserve or enhance the character and appearance of the conservation area. Under subsection (c) of Policy 7 it is stated that *'Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting.'*

Historic Environment Policy for Scotland (HEPS) outlines the importance of fully understanding the impact of decisions for development proposals on the historic environment. It accepts that some change to the historic environment is inevitable but advises that intervention should be minimised, and any negative impact avoided where possible. Policy D6 (Historic Environment) of the ALDP meanwhile seeks to support high quality design that respects the character, appearance and setting of the historic environment, looks to protect the special architectural interests of its listed buildings and to preserve and enhance the historic environment in line with HEPS.

This application comprises two aspects of development works to the 3 storey bowed bay feature of the listed building which forms a distinctive part of the rear elevation, namely the proposed formation of a door opening at ground floor level from an existing window and the erection of a balcony with stairs at 1st floor level.

In considering the proposed formation of the new door, Policy D8 (Windows and Doors) of the ALDP is also of relevance and states that historic windows and doors are required to be retained, repaired and restored, with opportunities to replace unsympathetic windows and doors being supported. The Council's Interim APG on 'Repair and Replacement of Windows and Doors' and Historic Environment Scotland's Managing Change in the Historic Environment guidance on Doorways both advise that new doorways should only be considered where they can be incorporated into the existing architecture and designed and detailed in a way that is compatible with the existing historic fabric with great care taken to retain existing design patterns, symmetrical elevations or architectural details.

Where the proposed works involve the conversion of existing windows to doors, both Historic Environment Scotland's Managing Change in the Historic Environment guidance note on Windows and the aforementioned Interim APG advise that subsidiary elevations are more suitable for work of this type and that wherever possible the existing width of the window should be maintained and the opening expanded downwards to ground level.

The proposed erection of a balcony with stairs to the rear elevation of the property is considered in the context of relevant national and local policy requirements, notably Policy 7 (Historic Assets and Places) of NPF4; Historic Environment Policy for Scotland (HEPS) and Policies D1 (Quality Placemaking) and D6 (Historic Environment) of the ALDP. Historic Environment Scotland's Managing Change in the Historic Environment guidance note on External Fixtures is also of relevance, outlining that historic external fixtures including balconies contribute to the architectural and historic character and visual attractiveness of a building and states that *'new fixtures can have a substantial impact on the appearance of a historic building'* with the location, size and number of fixtures and the method of fixing requiring careful consideration to protect the character of a historic building.

Proposed Balcony

It is noted that the building would originally have had a cast iron balcony wrapping around the bowed bay to the rear of the property, as evidenced from the historic balcony which remains in-situ at the adjoining property at No 35. Whilst the reinstatement of this same feature is not necessary to deliver any required level of residential amenity, the principle of reinstating a similar feature would likely be deemed acceptable, however this is subject to the level of intervention being minimised, with the replacement balcony being of an appropriate scale, form and material finish which closely matches that of the neighbouring balcony and which suitably respects and preserves the character, special architectural and historic interest and setting of the building, thus avoiding any negative impact.

It is acknowledged that a full replication of every detail of the neighbouring balcony may not be possible under current Building Regulations, however a balcony of a significantly reduced scale to that which is proposed and where the design, material finish and dimensions/geometry are more closely matching those of the neighbouring balcony would undoubtedly be achievable and would be expected in order to address policy requirements.

The current proposal is contemporary in style and incorporates a frame (of an undetermined material) with a raised platform and timber deck lying at a height of 3.2m above ground level and 1.1m high mild steel railings, with a curved stair and central landing wrapping around the (rear) southern elevation of the balcony to provide access to the rear garden. The balcony which would be coated black, would extend 1.1 metres either side of the bowed bay, equating to an overall width across the rear elevation of the building of some 6.13 metres and have a total projection of 3.6 metres, with the raised platform of the balcony projecting 2.4 metres and the stairs a further 1.2m. The overall floorspace of the balcony, excluding the stairs, would extend to some 15.5m².

The detail of the balcony structure is somewhat deficient, with no detail provided on the construction material of the balcony frame nor as to how that structure would be attached to the external wall of the listed building. There is a reasonable expectation that such detail would be included as part of any planning application. In the absence of such detail it is not possible to establish either the level of intervention required to the historic fabric of the building in order to secure the balcony nor whether the construction material would be acceptable.

It should be noted that clear, detailed and constructive feedback was provided to the Applicant's Agent on three separate occasions in February and March of this year in relation to the scale/design/material finish of a replacement balcony which formed part of planning and listed building consent applications (Ref 221457/LBC & 221477/DPP) for development works associated with the refurbishment of the property for residential use which were under consideration at that time. The feedback, which was informed by a site visit in February and detailed discussion with Conservation Officers, raised a number of concerns with regards the proposed balcony structure.

The concerns which were raised related to the oversized scale and inappropriate design of the balcony and the adverse impact which the structure as proposed would have on the special character and appearance of the listed building and the conservation area within which the site lies. These concerns were not addressed and the applicant took the decision to remove the balcony from both applications. Those same concerns, which remain equally pertinent to this current application have again been raised by Conservation Officers.

Contrary to what has been stated by the Applicant's Agent, the scale and design of the proposed balcony development is such that it would not bring back an original feature, as is quite evident from the neighbouring balcony, nor would the proposal respect the form of the building. To the contrary,

the proposed balcony would appear excessive in scale and would dominate the rear elevation of the property. Its form and design would result in part of the bowed bay, an important architectural feature of the application property which is mirrored with the adjoining property at No 35 being partially obscured, and the sense of symmetry and balance between those bays being compromised.

The excessive scale and poor design quality of the proposed development works would clearly detract from the attractiveness of the built environment and as such the proposal fails to address the expectations of either Policy 14 (Design, Quality and Place) of NPF4 or Policy D1 (Quality Placemaking) of the ALDP. It is considered that the proposed balcony would adversely affect the integrity, character and special architectural interest of the listed building and its overall setting and bearing in mind its oversized scale and the height at which it would be fixed, it would be clearly visible from outwith the application site thus neither preserving nor enhancing the character of the Conservation Area within which the property lies. The proposal would not fully comply with Policy VC6 (West End Office Area) which requires all development proposals to respect the special historic and architectural character of the West End. Any benefit which the applicant may accrue from the proposed balcony would not outweigh the harm which would be caused to the historic environment.

Historic Environment Scotland's Managing Change in the Historic Environment Guidance on External Fixtures specifically refers to the substantial impact which new fixtures can have on the appearance of a historical building and outlines the need for careful consideration of such proposals on aspects such as scale and method of fixing in order to ensure the character of a historic building is suitably protected. In this instance the inappropriate scale of the proposed balcony and the very real lack of detail on its material structure or on its method of fixing to the listed building are such that the proposal is deemed contrary to the requirements of Policy 7 (Historic Assets and Places) of NPF4 and Policy D6 (Historic Environment) of the ALDP and the expectations of Historic Environment Policy for Scotland whilst also clearly failing to address the requirements of Historic Environment Scotland's Managing Change in the Historic Environment Guidance on External Fixtures.

There is a key requirement in law to preserve or enhance the character or appearance of a conservation area and preserve a listed building or its setting or any features of special architectural or historic interest which it possesses. If the current application were approved this statutory duty would not be met.

Proposed Door Opening

The proposed formation of a door opening at basement level is considered to be generally compliant with policy requirements. However no justification has been provided for the small-scale loss of granite or detail provided on its re-use within the site, nor has it been demonstrated that there is any need to form a second door opening at basement level. Whilst compliance with the expectations of Policy D7 (Our Granite Heritage) of the Aberdeen Local Development Plan has not been demonstrated, it is considered that the principle of this aspect of the proposal would be acceptable and that the proposal would suitably address the expectations of Historic Environment Scotland's Managing Change in the Historic Environment guidance on both Doorways and Windows and Policy D8 (Windows and Doors) of the Aberdeen Local Development Plan.

National Planning Framework 4 (NPF4)

Policy 1 (Tackling the Climate and Nature Crises) of National Planning Framework 4 (NPF4) requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals whilst Policy 2 (Climate Mitigation and Adaptation) requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change.

It is considered that neither the extent or type of development involved would have any significant impact on the global climate and nature crises and would offer limited opportunity for climate mitigation and adaptation or for minimising greenhouse gas emissions. The proposals are therefore deemed suitably compliant with Policies 1 (Tackling the Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) of National Planning Framework 4 (NPF4).

Notice of Review Supporting Statement

Notwithstanding that the issues regarding the handling of previous applications and reference to changes of use which have formed much of the substance of the Notice of Review Statement are not relevant to the consideration of this Review, it is nevertheless worth noting that clear, detailed and constructive feedback was provided to the Applicant's Agent on three separate occasions in February and March 2023 in relation to the scale/design/material finish of a replacement balcony which formed part of planning and listed building consent applications (Ref 221457/LBC & 221477/DPP) for development works associated with the refurbishment of the property at No 36 Albyn Place for residential use which were under consideration at that time. The feedback, which was informed by a site visit in February 2023 and detailed discussion with conservation officers, raised a number of concerns with regards the proposed balcony structure.

These concerns, which were raised with the Agent, related to the oversized scale and inappropriate design of the balcony, having taken into account the adverse impact which the structure as proposed would have on the special character and appearance of the listed building, its setting and the wider conservation area. The concerns raised were not addressed and the Agent subsequently advised of the decision to remove the balcony from both applications. Those same concerns remain pertinent to this current application and the Agent was made fully aware of this by the planning authority.

The Agent has demonstrated little appreciation of the importance of the listed building and its special character and that includes a failure to demonstrate how the proposal has been considered against and would therefore be compliant with national and local planning policy requirements.

The Notice of Review states that the long distance from the rear of the building to the access lane running at the back of the site would hide the proposal from public view. However it is considered that the proposed development works would indeed be visible, particularly when the trees are not in leaf. Furthermore, the car park which extends some 36 metres from Albyn Lane towards the garden ground of the application site does not in fact form part of the residential curtilage. Rather, it remains a commercial car park, thus allowing access and far closer sight of the rear elevation of the building than from the lane. Notwithstanding this, the adverse effect which the proposed development works would have on the special character and setting of the listed building would clearly not be solely dependent on how visible such development would be from a public viewpoint.

The Notice of Review states that *'the reinstatement of the balcony will help ensure long term maintenance requirements can be undertaken easier.'* However, it is not apparent how the erection of a structure which would be secured to the rear elevation of the building at 1st floor level would make maintenance of the building any easier, with no evidence or explanation provided. The proposed scale and positioning of such a structure would more likely interfere with access requirements for undertaking maintenance of the building, for example if scaffolding is required for any high level repairs.

The Agent has outlined within the Notice of Review the importance of bringing vacant properties within the city centre back to life and of the Council's role in supporting such applications which allow for the reinstatement of granite properties to dwelling-houses. It should be noted that the original

planning application for the change of use of the property at No 36 Albyn Place from Class 2 (Financial, Professional & Other Services) to Class 9 (House), which was submitted by the same Agent, was in fact determined by the planning authority within less than 1 month of submission with unconditional planning permission granted. Subsequent applications which were submitted by the Agent for the proposed alterations to the building to convert for residential use required numerous amendments to address concerns raised with regards policy requirements and for the submission of outstanding information and relevant drawings, all of which was necessary for an appropriate assessment of the proposed works by the planning authority and thereafter allowed for the subsequent approval of these applications.

The conversion of listed buildings back to residential use does not justify inappropriate alterations and additions that would have a significant adverse effect on the buildings special character and status as a listed building or which would adversely affect the character or appearance of the conservation area. It should be noted that since 2020, within the locality of Albyn Place/Carden Place alone, thirteen planning applications for change of use from office/commercial to residential for properties have been granted consent by the Council.

Basis of the Notice of Review

The planning authority did not determine the planning application by 28 July 2023, within the statutory determination period, nor had an extension to the decision period been agreed in writing and a review of the non-determination of the application has therefore been sought.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposed formation of a door opening to the rear elevation of the property would be generally compliant with policy requirements, however no justification has been provided for the small-scale loss of granite or any detail provided on its re-use within the site, nor has it been demonstrated that there is indeed any real need to remove an original window in order to form a second door opening at this level. Whilst compliance with the expectations of Policy D7 (Our Granite Heritage) of the Aberdeen Local Development Plan (ALDP) has not been demonstrated, it is nevertheless considered that the principle of this aspect of the proposal would likely be acceptable and would suitably address the expectations of Historic Environment Scotland's Managing Change in the Historic Environment guidance on both Doorways and Windows and Policy D8 (Windows and Doors) of the ALDP.

Notwithstanding the above it is apparent that the excessive scale, inappropriate design and limited detail on material finish of the proposed rear balcony would result in this aspect of the proposal having an adverse effect on the built environment, thereby failing to address the expectations of either Policy 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4) or Policy D1 (Quality Placemaking) of the ALDP. It is considered that the proposed balcony would have a significant negative impact on the integrity, character and special architectural interest of the listed building and its overall setting and bearing in mind the oversized scale and the height at which the balcony would be fixed, it would be clearly visible from outwith the application site thus neither preserving nor enhancing the character of the conservation area within which the property lies.

Historic Environment Scotland's Managing Change in the Historic Environment Guidance on

External Fixtures specifically refers to the substantial impact which new fixtures can have on the appearance of a historical building and outlines the need for careful consideration of such proposals on aspects such as scale and method of fixing in order to ensure the character of a historic building is suitably protected. In this instance not only would the proposed balcony be of an inappropriate scale, but there is also a very real lack of detail on its material structure or on the proposed method of fixing to the listed building.

As a result of the above the proposal would be considered contrary to the requirements of Policy 7 (Historic Assets and Places) of NPF4, Policy D6 (Historic Environment) of the ALDP and the expectations of Historic Environment Policy for Scotland whilst also clearly failing to address the requirements of Historic Environment Scotland's Managing Change in the Historic Environment Guidance on External Fixtures. The proposal would also fail to fully comply with Policy VC6 (West End Office Area) of the ALDP which requires all development proposals to respect the special historic and architectural character of the West End.

The proposal would have no significant impact on the global climate and nature crises and would offer limited opportunity for climate mitigation and adaptation or for minimising greenhouse gas emissions. As a result the proposal would not be deemed contrary to Policies 1 (Tackling the Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) of National Planning Framework 4 (NPF4).



Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100630073-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Proposed Balcony and Door to rear of dwelling

Has the work already been started and/ or completed? *

No Yes - Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Ken Mathieson Architectural Design Ltd"/>		
Ref. Number:	<input type="text" value="2710"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Stuart"/>	Building Name:	<input type="text" value="Mansard House"/>
Last Name: *	<input type="text" value="Mathieson"/>	Building Number:	<input type="text" value="15"/>
Telephone Number: *	<input type="text" value="01224 710357"/>	Address 1 (Street): *	<input type="text" value="Oldmeldrum Road"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Bucksburn"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="AB21 9AD"/>
Email Address: *	<input type="text" value="stuart@kenmathieson.com"/>		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="P"/>	Building Number:	<input type="text" value="36"/>
Last Name: *	<input type="text" value="Webb"/>	Address 1 (Street): *	<input type="text" value="Albyn Place"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="AB10 1YF"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="stuart@kenmathieson.com"/>		

Site Address Details

Planning Authority:

Aberdeen City Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

36 Albyn Place Aberdeen AB10 1YF

Northing

805769

Easting

392606

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

≤ Yes No

Trees

Are there any trees on or adjacent to the application site? *

≤ Yes No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

≤ Yes No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

≤ Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Stuart Mathieson

On behalf of: Mr P Webb

Date: 26/05/2023

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent.? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

Existing and Proposed elevations.

Existing and proposed floor plans.

Cross sections.

Site layout plan/Block plans (including access).

Roof plan.

Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Stuart Mathieson

Declaration Date: 26/05/2023

Payment Details

Pay Direct

Created: 26/05/2023 13:49

Application 230652/DPP - 36 Albyn Place – Erection of balcony etc

Development Plan

National Planning Framework 4

[Supporting documents - National Planning Framework 4: revised draft - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents-national-planning-framework-4-revised-draft)

- 1. Tackling the climate and nature crises
- 2. Climate mitigation and adaptation
- 3. Biodiversity
- 7. Historic assets and places
- 14. Design, quality and place

Aberdeen Local Development Plan 2023

<https://www.aberdeencity.gov.uk/services/planning-and-building-standards/local-development-plan/aberdeen-local-development-plan>

- H1 Residential Areas
- D1 Quality Placemaking
- D6 Historic Environment
- D7 Our Granite Heritage
- D8 Windows and Doors
- VC6 West End Area

Other Material Considerations

Interim Aberdeen Planning Guidance

[Aberdeen Planning Guidance and Supplementary Guidance 2023 | Aberdeen City Council](#)

Repair or Replacement of Windows and Doors

Other National Policy and Guidance

Managing Change in the Historic Environment Guidance Notes; Windows, Doors, Setting, Fixtures

[Publications | Leading Public Body for Scotland's Historic Environment](#)

Other Material Considerations

Historic Environment Policy for Scotland (HEPS)

[Historic Environment Policy for Scotland | Historic Environment Scotland](#)

Albyn Place Conservation Area Character Appraisal



Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100630073-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Ken Mathieson Architectural Design Ltd"/>		
Ref. Number:	<input type="text" value="2710"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Stuart"/>	Building Name:	<input type="text" value="Mansard House"/>
Last Name: *	<input type="text" value="Mathieson"/>	Building Number:	<input type="text" value="15"/>
Telephone Number: *	<input type="text" value="01224 710357"/>	Address 1 (Street): *	<input type="text" value="Oldmeldrum Road"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Bucksburn"/>
Mobile Number:	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="AB21 9AD"/>
Email Address: *	<input type="text" value="stuart@kenmathieson.com"/>		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="P"/>	Building Number:	<input type="text" value="36"/>
Last Name: *	<input type="text" value="Webb"/>	Address 1 (Street): *	<input type="text" value="Albyn Place"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value="REDACTED"/>	Postcode: *	<input type="text" value="AB10 1YF"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="stuart@kenmathieson.com"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="36 Albyn Place Aberdeen AB10 1YF"/>

Northing	<input type="text" value="805769"/>	Easting	<input type="text" value="392606"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of balcony with external stairs and formation of door from an existing window opening to rear

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See supporting statement for full details

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

House Holder application form, Notice of review statement, drawings Ref: 2710-Bal 01-A, 2710-Bal 02-A, 2710-Bal 03-A, 2710-Bal 04-A, 2710-SP02-A, 2710-W21-B, 2710-Email Trail-26-06-2023 - 23-06-2023 - 22-06-2023

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

230652/DPP

What date was the application submitted to the planning authority? *

26/05/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Stuart Mathieson

Declaration Date: 02/08/2023

Agent Reference: 2710
Applicant: Mr & Mrs P. Webb
Application Address: 36 Albyn Place, Aberdeen

Request for review of Planning application 230652/DPP for the Erection of balcony with external stairs and formation of door from an existing window opening to rear.

Statement to accompany the Notice of Review.

Introduction

This Notice of Review has been prepared by Ken Mathieson Architectural Design Ltd on behalf of Mr & Mrs P. Webb to support the request for review under appeals against non-determination.

Site Description

The original building was constructed in 1840 with the side extension being added in 1884. Built as a dwelling the property combined use as a dwelling with surgery in 1942 and a residential ballet school from 1960. It was in 1969 that the property was to be used as an office building for Campbell Connon solicitors who were in occupation of the building until the applicant took possession in 2023.

The property is 183 years old and was a residence for 129 years. During the buildings lifetime it has never been vacant.

The property is Class C listed jointly with the neighbouring property No. 35 Albyn Place and is located within the Albyn Place / Rubislaw Conservation area.

The application site is accessed from Albyn Place and extend to the grass garden ground to the rear of the building. The applicant has ownership of the carpark to the rear accessed from Albyn Lane which includes the old coach house. The carpark to the rear of No 35 Albyn Place, the coach house of No 35 and the rear garden of No 35 are also owned by the applicant.

To the East of the application site is No 35 a vacant office building. To the West is No 37 which is operated as an office building with multiple tenants. The original building at No 37 remains facing Albyn Place and there has been an addition of large extension to the rear.



Photograph showing the rear of No 36 Albyn Place taken from garden ground.

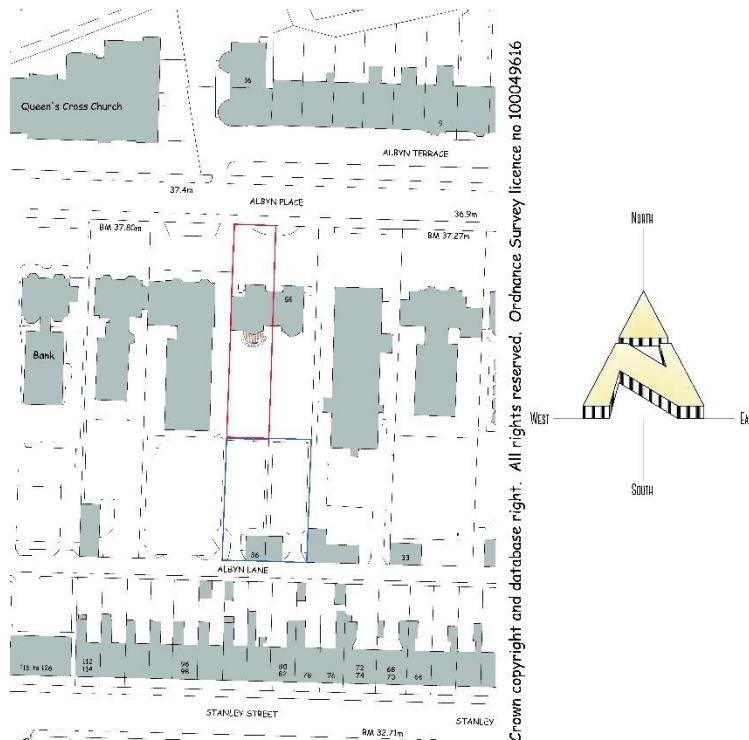


Photograph of No. 36 Albyn Place taken from Albyn Lane

Proposal

The application seeks detailed planning permission for the erection of balcony with external stairs and formation of door from an existing window opening to rear.

The property is to be reinstated back to a family home and there was a balcony located historically to the rear of the property until it fell into disrepair and was removed.

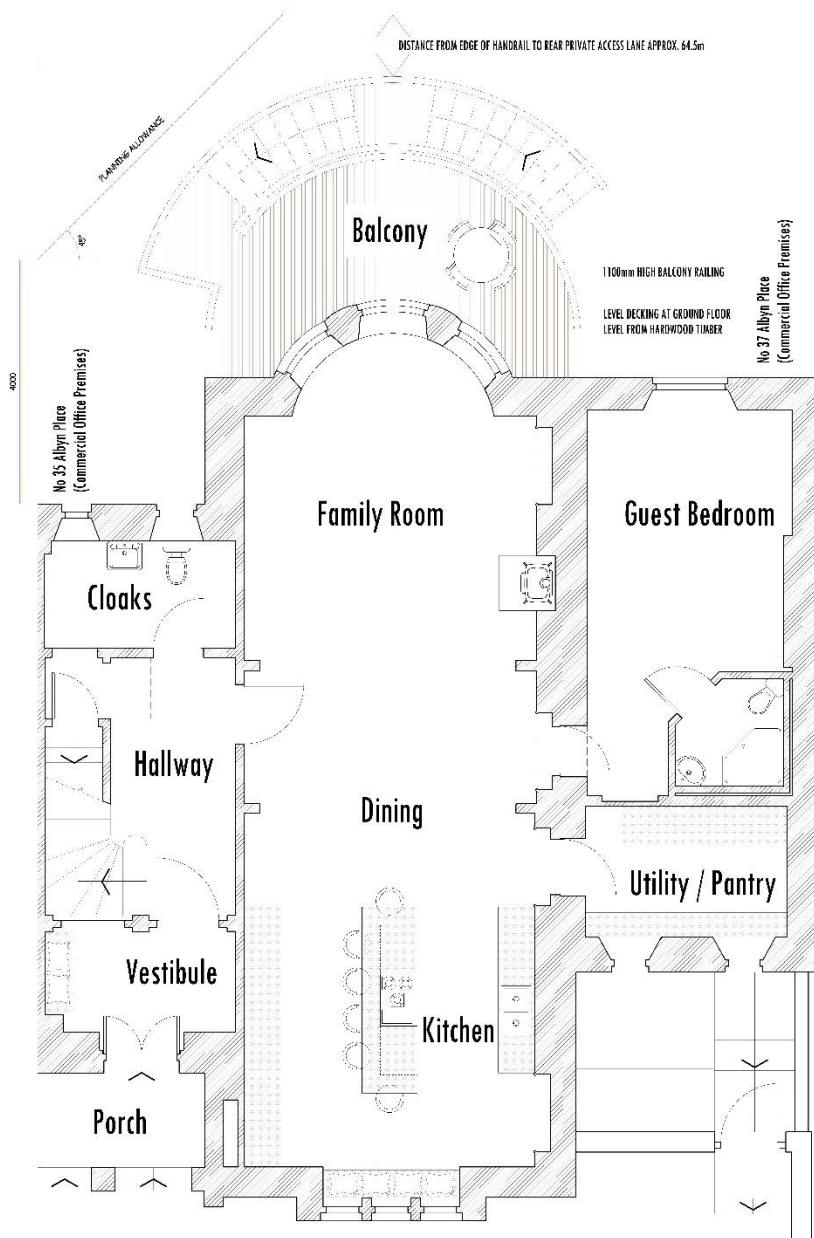


PROPOSED SITE LOCATION PLAN

N.T.S.

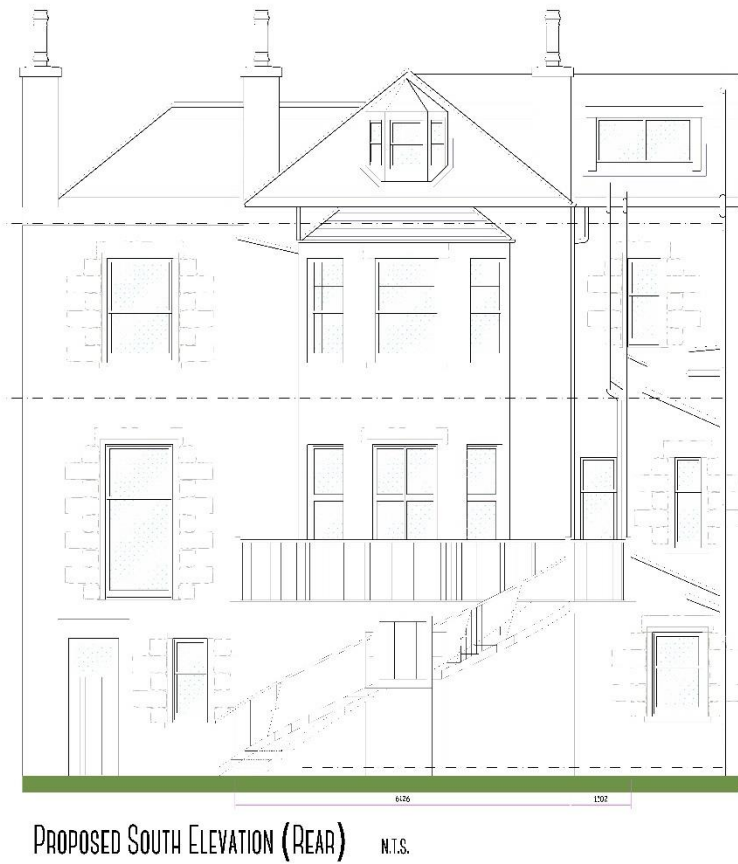
Created by Universal Document Converter

This drawing shows the proposed balcony to the rear of the property in context to the surrounding area.



PROPOSED GROUND FLOOR LAYOUT PLAN NTS Created by Universal Document Converter

This drawing shows where the balcony would be located and where the neighbouring properties boundaries are.



Created by Universal Document Converter

The drawing shows the balcony to the rear elevation.

Reason for Notice of Review : 230652/DPP

The Planning Department have not provided a discussion with the statutory determination date ending 28th July 2023.

Relevant Planning History

Planning Permission was Granted under reference 220733/DPP on 14/07/2022 for change of use from Class 2 (financial, professional and other services) to Class 9 (dwellinghouse).

Listed Building Consent was Granted under reference 221457/LBC on 17/05/2023 for erection of fence (rear); installation of railings & gate (front); replacement of rainwater goods to front and rear; associated internal works including removal of existing and installation of new partition.

Listed Building Consent was Granted under reference 221476/LBC on 24/05/2023 Installation of replacement windows, doors & rooflights.

Planning Permission was Granted under reference 221477/DPP on 16/05/2023 for the erection of fence to rear; installation of railings and gate to front; replacement rainwater goods to front & rear; window, door & rooflight replacement and associated works.

Listed Building Consent was Granted under reference 221498/LBC on 10/03/2023 for the installation of gas meter box to front.

Listed Building Consent was applied for under reference 221505/LBC on 14/12/2022 for garage roof removal (to make safe).

Application Background for Balcony.

Previous Planning application 221477/DPP was registered 8th December 2022 and included an original application for a balcony alongside the other works approved.

The first correspondence received from Planning department relating to that application was a reply to an email sent by agent on the 3rd February when the Department requested agreement to extend time for determination until 17th February 2023 to prepare their thoughts on the application.

Determination deadline date of 7th February 2023 missed due to Planning non engagement.

Email from Planning on Friday 17th February at 4:24pm requesting original balcony proposal be reduce in scale, design and material finish.

Agent email reply on Monday 20th February at 1:49pm with information added for clarification and request for meeting to discuss how to progress the application.

Repeated attempts by agent to meet with Planning department are made via email and telephone to discuss the application are made and all requests for a meeting are denied by the Planning officer.

Despite the refusal of Planning Officers to meet amendments are made to the balcony with the scale, design, shape and material finishes all reduced and returned to the Planning Department on Friday 3rd March 2023.

Planning Department replies via email requesting additional changes on Monday 20th March at 4:51pm without discussion on meeting with Agent.

Communication breakdown leads to the Balcony being removed from the application by the Agent on 20th March 2023 to allow the additional items within the application to move forward for approval.

Application approved on the 16th May 2023, 3 months after determination deadline.

Application Timeline: 230652/DPP

House holder Planning application submitted 26th May 2023

Application registered with Planning department 29th May 2023

Expiry date for comments expires 20th June 2023. No neighbour or consultant comments are submitted.

Agents sends email to Planning officer Thursday 22nd June 2023 at 9:33am requesting information on timescales. See Appendix for copy of email.

Planning Department reply to Email on Friday 23rd June 2023 at 4:57pm referencing correspondence from previous Planning application ref: 221477/DPP. See Appendix for Copy of email.

Agent replies to Planning Email on Monday 26th June at 1:45pm answering queries where possible, looking for clarifications of items to address and requesting meeting with Planning Department to discuss proposals. See Appendix for Copy of email.

Agent still awaiting Planning Departments reply to email and request for in person meeting.

Determination deadline passes 28th July 2023 with no correspondence from the Planning Department.

Conclusion

The applicant is committed to take on the difficult task of refurbishing the building to bring the property back to life as a family home. With so many properties sitting vacant within the city centre it is a credit to the applicant to take on the challenge of working within a period property, but it is only being undertaken due to the applicants love of Aberdeen and their commitment to reside within the City centre for many years to come.

Prior to purchasing the property, the applicant had been assured that Aberdeen City Council were encouraging the reinstatement of the granite properties from vacant offices back to dwelling houses but the negative experience of working with the Planning Department who have been adverse to any proposals presented to them and have been secretive with their reasoning and absent when contacted has soured the design process.

Without applicants willing to take on the challenge of bringing vacant period properties back into use as family homes Aberdeen will soon look different to the silver city, we wish it to remain. We would be grateful if the Council could support the return of houses in this location rather than allowing the Planning department to place obstacles in the way of applicants.

No objections were noted online from any neighbours or Planning consultees. The property is located within a large site and the proposal will have no adverse impact on any residential amenity. The long distance from the rear of the building to the access lane running at the back of the site will hide the proposal from public view.

It is not disputed by the Planning Department that there was once a balcony located at the rear of the property. Our proposal would bring back this original feature respecting the form of the building. The works to return the building back to its original use as a dwelling require time and effort by the applicant and the reinstatement of the balcony will help ensure long term maintenance requirements can be undertaken easier.

We feel that if the Local Review Body can visit this site first hand, they will see that our proposed reinstatement of the balcony in a contemporary form with scale, and materials choices which respect the character of the building, benefits modern living requirements with no adverse impact on the neighbouring properties or the Conservation area.

Stuart Mathieson

From: Stuart Mathieson
Sent: 26 June 2023 13:45
To: Jane Forbes
Cc: [REDACTED]
Subject: 2710: Planning Application Ref 230652/DPP & Listed Building Consent Application Ref 230653/LBC - 36 Albyn Place
Attachments: Balcony - Maximum Scale.pdf

Aermon Jane,

The previous applicaon for the balcony was withdrawn and we hoped that this new applicaon could be seen on its own merits, however for clarificaon purposes can you please confirm the following:

It was previously established that a new balcony may be erected to replace the former balcony which would have stood in this locaon.

The balcony we have currently applied for does meet the Planning standards for distances to boundaries, approx.. 64.5m from handrail to rear, approx.. 2.7m to shared mutual boundary & approx. 3.9m to gable wall boundary.

The rear lane located 64.5m from the handrail is an access lane to the rear of the surrounding buildings and not a main thoroughfare with very little members of the public walking past.

The properties No 35 & No 37 Albyn Place located either side of the applicaon site are commercial properties with no private access ground.

The proposal is fully within the 4m boundary / 45 degree Planning building allowance space.

The rear garden to No 35 is 409m/sq with the footprint of the balcony being 26m/sq allowing 383m/sq of private garden ground to remain with the city centre. Only 6.3% of the garden ground would be effected by the proposal.

In the previous applicaon we repeatedly requested face to face meetings to discuss the balcony. All attempts to meet to discuss the proposals were refused by the Planning department.

The changes requested to the previous balcony on the original applicaon were put in email sent by the Planning department without discussion. In the previous balcony applicaon we changed the shape (square to round), reduced the size, changed the material finish from glazed balustrades to vertical mild steel railings all at Plannings request. However Planning sent repeated emails requesting more changes again without discussion or clarificaon.

As the previous applicaon was long past the Planning determination deadline we had no choice but to withdraw the balcony from the previous applicaon to allow the remainder of the project to be approved.

The final email which created the issue causing the balcony to be withdrawn has been included in your attachment. This includes the sketch attached referencing the 1.5m & 1.1m dimensions along with a note stating that if steps cannot fit in, then they are to be removed.

With meetings and the opportunity to discuss the proposals being denied to us by the Planning department and every revision being put forward with changes made as instructed being continually altered, it was clear that the Planning department had now taken on the role as designer with us as agents acting as the department's draughtsmen.

We will not be going down the same route as the previous applicaon withdrawn out of scale and long email chains.

Can you please make this clear with planning predicants' why our proposal in its current form would be unactable. We will not accept that it is in your opinion that the balcony is suitable as this is down to your taste. We would need these put to us in a merely manner to allow our consultants to opportunity to review and respond.

We are happy to meet face to face to discuss any issues to bring the project forward if you feel this would be helpful, please let us know your availability and we can meet at Marischal College.

An additional item to note which was not included within the application site plan. Recent events have allowed the applicant to purchase what would have been classed as the rear private garden ground at No 35 Albyn Place. The applicant is now in ownership of all the ground to the rear of both No 35 & No 36 from the buildings down to the rear lane.

Kind Regards
STUART MATHIESON
on behalf of
KEN MATHIESON ARCHITECTURAL DESIGN Ltd.
Tel No. 01224 710357

From: Jane Forbes <JANEF@aberdeencity.gov.uk>
Sent: Friday, June 23, 2023 4:57 PM
To: Stuart Mathieson <stuart@kenmathieson.com>
Subject: Planning Application Ref 230652/DPP & Listed Building Consent Application Ref 230653/LBC - 36 Albyn Place

Hello Stuart

Thanks for your e-mail. Whilst we're not at the moment in a position to provide a rescale for the determination of these applications we will do so as soon as possible. It is perhaps worth highlighting at this stage that the detailed feedback provided on recent applications relevant to this property included specific reference to the introduction of a rear balcony (see attached) and those comments remain pertinent to these current applications.

Regards
Jane



Jane Forbes MRTPI | Planner – Development Management
Aberdeen City Council | Development Management | Strategic Place Planning |
Place | Marischal College | Ground Floor North | Broad Street | Aberdeen | AB10
1AB

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From: Stuart Mathieson <stuart@kenmathieson.com>
Sent: 22 June 2023 09:33
To: Jane Forbes <JANEF@aberdeencity.gov.uk>
Subject: 2710 - Balcony - 36 Albyn Place 230653/LBC & 230652/DPP

Morning Jane,
Hope all is well, I notice that the expiry date for comment has passed for the proposed Balcony at 36 Albyn Place (230653/LBC & 230652/DPP).
There are no neighbour or consultant objections noted online.
Would it be possible for an indication of rescales for now being forwarded with the approval for the application to allow the applicant to order materials.
Any queries give me call.

Kind Regards

STUART MATHIESON
on behalf of
KEN MATHIESON ARCHITECTURAL DESIGN Ltd.

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Notice of review in respect of

Non-determination of planning application reference 230652/DPP

Comments on Report of Handling

1 Introduction

1.1 We refer to the Report of Handling for planning application reference 230652/DPP and wish to comment briefly on this, demonstrating that there is no basis for concluding that the application should be refused, and that this should instead be approved.

1.2 In particular, it is highlighted that:

- the Report of Handling confirms that the proposal would not conflict with adjacent uses and that the proposed formation of a door at the basement level is considered to generally be compliant with policy requirements overall. That being the case, the main focus of this paper is on the proposed balcony;
- as the proposed balcony would be located where an original balcony had been located previously, no works to the bay windows are required to provide access to this, and there is no issue with the principle of installing a replacement balcony here now; and
- the key question is then whether the proposed balcony complies with relevant policy requirements with regards to development in the historic environment and design, with it being clear that it does for reasons given below.

1.3 It should also be noted that there have been no objections to the application from any neighbours or consultees, including the Queen's Cross and Harlaw Community Council.

2 Background

2.1 When considering this application, it is important to have a good understanding of the significance (or otherwise) of the historic environment assets which the Report of Handling indicates could be affected, and for any decision reached to be informed by this. Indeed, this is a requirement of Historic Environment Policy for Scotland (HEPS) [Document 1], the terms of which are addressed in more detail below.



The listed status of 36 Albyn Place

- 2.2 While the Report of Handling refers to Historic Environment Scotland’s listing description for 36 Albyn Place (which includes a description of the southern elevation on which the proposed balcony would be located), this is merely a factual description, which says nothing about the significance or value of the features referred to. Instead, to understand what is significant about the building, reference should be made to the Statement of Special Interest, the full text of which is as follows:

“Albyn Place was originally built on the lands of Rubislaw, owned by James Skene. Skene lived in Albyn Place in Edinburgh (hence the same name in Aberdeen), and commissioned Archibald Elliot to prepare a scheme for Aberdeen based on the New Town in Edinburgh. Albyn Place was the only part of Elliot’s scheme to be executed, the remainder being remodelled by Archibald Simpson just over a decade later, and again in the 1840s. 35 and 36 Albyn Place is one of the more unusual villas on Albyn Place. The Italianate detailing is of particular interest, notably the round-arched tripartite windows, loggia porch, and overhanging eaves on decorative brackets. In commercial use (2000).”

- 2.3 Notably, while this Statement of Special Interest refers to the Italianate detailing being of interest:

- the features referred to are at the front of the building (which would not be affected by the proposed balcony in any way); and
- none of these features are seen to the rear (where the proposed balcony would be located).

- 2.4 The proposed balcony would thus clearly have no impact on the features of special interest. Given that the Report of Handling’s conclusions with regards to the potential for the listed building to be affected have not been informed by this understanding of the features of significance of the listed building, they are therefore not justified.

The Albyn Place/Rubislaw Conservation Area

- 2.5 With regards to the significance of the Albyn Place/Rubislaw Conservation Area, the Report of Handling notes that the **Albyn Place and Rubislaw Conservation Area Character Appraisal** [Document 2] is a material consideration, but then omits to refer to what this says about the character of the area, and development that may be appropriate here.



2.6 Importantly, 36 Albyn Place is located in character Area B of the Conservation Area (Queen’s Road and the south side of Albyn Place), within which Albyn Place is described as having been developed as a set of high-quality houses set within their own large back gardens. However, while the Appraisal identifies a number of exemplar or particularly significant buildings in the area, 36 Albyn Place is not one of them. The Appraisal then goes on to describe the area within which 36 Albyn Place is located as having experienced many changes in back garden areas, noting that many now accommodate large rear extensions behind typically high back lane walls, with this then being the context in which the proposed balcony to the rear of 36 Albyn Place needs to be assessed.

3 Legislative and policy context

3.1 In determining this application, it is important to remember that:

- Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; and
- Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

3.2 The statutory requirement is therefore not, as stated in the Report of Handling, to preserve or enhance the character or appearance of a conservation area and preserve a listed building or its setting or any features of special architectural or historic interest which it possesses, but rather it is to have special regard to the desirability of doing so.

3.3 In terms of the policies against which the application requires to be assessed, it is noted that this requires to be determined in accordance with the Development Plan, unless material considerations indicate otherwise, with the Development comprising both National Planning Framework 4 (NPF4) and the Aberdeen Local Development Plan 2023 (ALDP). It is though also important to note that, in the case of any conflict between the relevant policies of these, s24(3) of the Town and Country Planning (Scotland) Act 1997 Act makes it clear that the most up to date of the Development Plan’s constituent parts should be given precedence, with that being the ALDP in this case. As such, it is the relevant policies of the ALDP which are addressed in detail



below, albeit it is considered that the application also complies with equivalent policies of NPF4 for the same reasons, as also highlighted below.

Aberdeen Local Development Plan 2023 (ALDP)

Proposed balcony

3.4 In the Report of Handling, the ALDP policies which are identified as being relevant are:

- Policy VC6 - West End Area
- Policy D1 - Quality Placemaking
- Policy D6 - Historic Environment
- Policy D7 - Our Granite Heritage
- Policy D8 - Windows and Doors

3.5 In addition, reference is made to Interim Planning Guidance (APG) on the Repair or Replacement of Windows and Doors. However, in the absence of the proposed balcony requiring any works being done to any windows to be installed, this Guidance is not considered further here, with the same applying to Policy D8 - Windows and Doors and Policy D7 - Our Granite Heritage (given that no granite would be removed in order for the proposed balcony to be installed either).

3.6 In terms of the policies which are relevant to the proposed balcony specifically, it is recognised that both **Policy D6 - Historic Environment** and **Policy VC6 - West End Area** require all proposals to respect the special historic character of the area, including the surrounding Conservation Area and the listed building at 36 Albyn Place itself. Policy D6 does though make it clear that the addition of new features and fixings to historic buildings may be appropriate if they are designed to respect the character, appearance and setting of the historic environment and protect the special architectural or historic interest of listed buildings. In terms of this, it should be noted that:

- while the extent to which the proposed balcony would be visible from public viewpoints in the wider area may not be relevant when assessing the impact of this on the listed building (as emphasised in the Report of Handling), it is relevant to the question of whether there would be any impact on the Conservation Area. Indeed, recent precedent decisions make it clear that due weight needs to be given natural screening (see, for example, the Local Review Body's decision in respect of planning application reference 201165/DPP, for which planning permission was granted for a summerhouse to the front of 82 Whitehall Place, in the Rosemount and Westburn Conservation Area, on a site



largely screened by a hedge). As the proposed balcony would be largely screened from view by mature trees (which, even when not in leaf, provide a significant amount of screening, as shown in Figure 1 below, with the Report of Handling's conclusion that the balcony would be visible at such times being unsubstantiated), as well as a 2.0m high timber privacy fence approved under application 221477/DPP, it should likewise be concluded that this would have no impact on the surrounding Conservation Area for this reason alone;

Figure 1 – Screening of rear of 36 Albyn Place provided by trees, even when not in leaf



- even if it were considered that the proposed balcony would be visible from public viewpoints, that would be only as a passing glimpse from a distance of over 65m through a 3m wide vehicle opening accessed from a rear lane with no public footpath, and it is not considered that it would have any adverse impact on the character of the Conservation Area given that the Albyn Place and Rubislaw Conservation Area Character Appraisal describes this part of the area as including many large rear extensions, many of which are considerably less sympathetic to the original buildings and the Conservation Area than the proposed balcony is (which has been specifically designed to fit within the context in which it would be located, as set out below);
- taking into account the terms of the Statement of Special Interest for the listed building (as set out in full above), no features of special interest would be affected by the installation of the proposed balcony, and the special architectural or historic interest is thus duly protected; and



- as the character of the area would thus be protected, and the special architectural and historic interest of the building protected, the proposed balcony should be considered an appropriate addition to the building in terms of Policy D8.

3.7 It is also recognised that all proposals must comply with **Policy D1 - Quality Placemaking**, which aims to ensure high standards of design, to create sustainable and successful places and to ensure a strong and distinctive sense of place. To do that, development proposals are to be considered against six essential qualities of place making, but that assessment must be relevant to the scale, character and nature of the proposal, and not all qualities will be applicable to all developments.

3.8 In this case, the starting point for the design of the proposed new balcony was that, as acknowledged in the Report of Handling, it is not possible to directly replicate the original balcony (and that at 35 Albyn Place), as that would not meet current building standards regulations if it were proposed today. Specifically, the width of that balcony is too short for manoeuvring, the handrail barrier not high enough, and the gaps between the spindles too large. In addition, the spiral stair is very narrow, with too many steps which are higher than current steps, and a handrail on only one side, whereas external stairs are now required to have a handrail on both sides. And, structurally, an engineer would not be able to certify the existing material strengths for cast iron along with the single point fixing back to the property.

3.9 By updating the original balcony design, whilst ensuring that it is able to comply with current building standards regulations, the proposed balcony has been specially designed to be:

- **distinctive** - in responding to the site context, having no adverse impact on important views, being of high-quality design and materials (complementing those of the existing streetscape) and reinforcing the established pattern of development (with the neighbouring property also having balcony);
- **welcoming** – in being well detailed, with materials and proportion considered and creating an attractive defined feature of the building; and
- **safe and pleasant** – in avoiding unacceptable impacts on adjoining uses, including not creating any invasion of privacy and overshadowing, enabling natural surveillance of the car park to the rear, and of Albyn Lane (which has been the subject of vandalism and anti-social behaviour – see recent [press article](#)), and creating a safe space that meets relevant building regulations in terms of handrail height and width between spindles.



3.10 As a result, the proposed reinstatement of the balcony complies with Policy D1 and achieves a sympathetic balance between the original balcony design and what is now needed to fit current family needs and technical requirements.

3.11 More specifically in respect of the balcony, it should be noted that:

- the proposal has been designed to fit within the site context by following the shape of the rear bay and keeping the width of the neighbouring balcony. The location follows where the original balcony would have been located;
- the overall width of the proposed balcony (6.13m) is equal to that of the balcony at 35 Albyn Place, and would be approximately only 1m longer in length (to allow a practical manoeuvring space), such that it is in keeping with this in terms of scale;
- the proposed balcony would cover just a small area (of only 6.3%) of the rear garden ground, with this being well within the scale of development that would be considered appropriate if this were an extension to the building or a stand-alone ancillary structure;
- although details of the proposed materials had not been requested by the officers prior to the expiration of the determination period for the application, steel will be used for the frame and handrails to match the original materials as closely as possible, whilst achieving structural security. All steel work will be coated black to match the colour of the neighbouring balcony. The flooring to the balcony will be constructed from a sustainable hardwood timber which is sympathetic to the age of the original building;
- all connection details required to construct the balcony are shown on the drawing from Cameron & Ross Structural Engineers [Ref: 221128-000-CAM-DR-S-200 Rev A] which is provided at Appendix One (again these details were not requested prior to the expiration of the determination period for the application);
- the positioning of the balcony would not create any privacy issues with the commercial neighbours, as demonstrated by the sketch on the original notice of review submission, with an added benefit of the balcony being that it would assist in the natural surveillance of the rear parking and garages; and
- whereas the Report of Handling indicates that, to address policy requirements, the proposed balcony would need to be of a reduced scale, and of a design that more closely matches that of the neighbouring balcony, there is no policy requirement to this effect. Rather, all relevant policy requirements have been addressed above,



with it being necessary to assess the proposed balcony against these on its own merits, as set out above.

- 3.12 In terms of the staircase, since it is not possible under current building regulations to recreate a narrow spiral stair, the design has retained the theme of a curved stair which would follow the balcony and reflect the rear bay whilst ensuing compliance with regulations requiring an external stair to have a maximum of 16 risers (of a maximum of 170mm each) within a single flight. With the ground level to floor level heights being too high for a single flight, the required landing has been located centrally in line with the windows located in the bay and split the steps from this point. This provided space for the clear 1.0m wide external stair requirement with handrails located to both sides of the stairs.
- 3.13 It is recognised that the Report of Handling raises concerns about the level of detail provided with the application in respect of materials and connection details for the balcony, but these have been addressed in the bullet points above. In addition, there is scope for planning permission to be granted subject to a condition requiring further information on this to be submitted prior to development commencing if this were considered to be needed.

Proposed door

- 3.14 ALDP policies of particular relevance to the proposed door are **Policy D7 - Our Granite Heritage** and **Policy D8 - Windows and Doors**. While the Report of Handling concludes that the proposed door at basement level complies with policy overall, it is noted that some queries are raised about the justification for this, and for any granite that would be lost. Again, this is not information that was requested previously, but is information that our client is happy to provide, in terms of which it should be noted that:
- currently the only basement access to the rear garden is through a service corridor, with the new opening to be taken from the basement entertainment space to allow the homeowners to use their private rear garden comfortably and, in particular, to improve disabled access by introducing step-free access to the ground floor;
 - the granite which would require to be removed below the existing window to create the door would be approximately 1.5m², which is about 12 stones of granite;



- the granite to the rear basement is not dressed or uniform, it is rough rubble with no architectural merit; and
- the rough course granite stone removed is to be set aside to be assessed for reuse in repairing the dilapidated garages located to the rear access lane of the site.

3.15 It should also be noted that the Report of Handling recognises that both Historic Environment Scotland’s **Managing Change in the Historic Environment: Windows** guidance note, and the Council’s own draft **APG Repair or Replacement of Windows and Doors** advise that subsidiary elevations are more suitable for work of the nature proposed and wherever possible the existing width of the window should be maintained and the opening expanded downwards to ground level, all as proposed in this instance.

3.16 The Report of Handling therefore concludes that the principle of this aspect of the application is acceptable.

4 National Planning Framework 4 (NPF4)

4.1 Whilst, as stated above, the ALDP is the primary policy document against which the application requires to be addressed, NPF4 does form part of the statutory Development Plan and, as such, it is important that the proposed development also complies with the relevant policies of that.

4.2 It is though noted that the policy requirements of NPF4 in respect of the historic environment and design (Policies 7 (Historic assets and places) and 14 (Design, Quality and Place)) reflect those of the ALDP. As such, the application complies with those Policies for the same reasons as it complies with the equivalent Policies of the ALDP.

4.3 The Report of Handling also makes reference to Policy 1 (Tackling the climate and nature crises) and Policy 2 (Climate mitigation and adaptation) of NPF4 and concludes that neither the extent or type of development proposed would have any significant impact on the global climate and nature crises and would offer limited opportunity for climate mitigation and adaptation, or for minimising gas emissions. The application is then deemed in the Report of Handling to be compliant with these Policies.

5 Historic Environment Scotland Guidance

5.1 Although not forming part of the statutory Development Plan, the following non-statutory Historic Environment Scotland policy and guidance notes are material considerations in the determination of this application.



Historic Environment Policy for Scotland (HEPS)

5.2 HEPS sets out a number of policies and principles that should inform decisions on development that affects the historic environment, in terms of which it should be noted that:

- the proposed development has been informed by an understanding and recognition of the significance of the listed building and Conservation Area, as set out above;
- the proposed balcony and door enable both the current owners of the building and future generations to enjoy living in the house and appreciate the historic environment in which it is located;
- the balcony has been located and designed to protect the historic integrity of the listed building and to have no adverse impact on the character of the Conservation Area, as also set out above; and
- allowing the proposed development will ensure that the building will provide a high quality living environment and thus contribute to securing a sustainable community.

5.3 It is also important to note that HES is clear that some change to the historic environment is inevitable, with change be necessary for place to thrive, and it does not therefore seek to prevent this being done.

Managing Change in the Historic Environment: Setting

5.4 This guidance note highlights the need for a proposed development to identify the historic assets that might be affected, define the setting of those assets, and assess the impact of any new development on those. In this case, the setting includes both the curtilage of the listed building and the wider Conservation Area within which it is located. An assessment of how the proposed balcony has been designed to take account of the listed building and the original balcony (as well as that at 35 Albyn Place) and to how it fits within the context of the Albyn Place and Rubislaw Conservation Area has been carried out above, demonstrating that there would be no adverse impact on these.



Managing Change in the Historic Environment: External Fixtures

5.5 In concluding that the application fails to comply with this guidance, the Report of Handling refers to the scale of the proposed balcony and the lack of detail on its material structure and method of fixing. However, and whilst this detail had not been requested previously, it has been provided as part of the statement. In particular:

- it is highlighted above that the proposed balcony has been designed to reflect the original balcony, the neighbouring balcony, and the curve of the bay window, with this being in keeping with the original and neighbouring balconies in terms of location and scale, and maintaining the architectural integrity of the building without impacting on any features of special interest, with materials selected to match those of the original and of the balcony at 35 Albyn Place as closely as possible;
- in stating that new external fixtures must be sited to minimise impact on the architectural integrity and fabric of a building, the guidance expressly states that secondary elevations (as the proposed balcony would be) *“can often accommodate new fixtures without significant impact”*, and there is no reason to conclude otherwise in this instance; and
- while it is acknowledged that the guidance states that all fixings should be non-ferrous it is emphasised that this is to prevent structural damage or staining. While the fixings in this case would be steel, this is necessary to ensure the structural integrity of the balcony (thus preventing structural damage in the longer term) and drawing reference 221128-000-CAM-DR-S-200 Rev A at Appendix A confirms that all external steelwork would be hot galvanised (which would protect against corrosion and associated staining). It is also noted that planning and listed building applications for alterations to Albyn Hospital (application references 211019/DPP and 211020/LBC) were recently approved (May 2022), with the fixings for the canopy there being as proposed in this case and with no issues having been raised in that regard when those applications were determined.

Managing Change in the Historic Environment: Doorways

5.6 Although this guidance note is referred to in the Report of Handling, it relates to the proposals to alter the doorways of historic buildings which is not proposed in this case.



Managing Change in the Historic Environment: Windows

5.7 This guidance note is applicable only to the proposed door and has been addressed in paragraph 3.15 above, with the Report of Handling being clear that the principle of this aspect of the application is acceptable.


6 Conclusion

6.1 In light of the above, it is considered that there is nothing in the Report of Handling that would justify refusal of the application, and that the application should instead be approved for the reasons given in the Notice of Review Supporting Statement, this Statement, and associated documents submitted with this, particularly given the context of the application site.

Aurora Planning Limited

1 September 2023



 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	Land To Rear Of 6 Craighden, Aberdeen, AB15 6YW,
Application Description:	Change of use from public open space to private gated communal garden and erection of associated enclosure fence with gate (retrospective)
Application Ref:	221307/DPP
Application Type:	Detailed Planning Permission
Application Date:	1 November 2022
Applicant:	Mr David Lawrie
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Woodend
Case Officer:	Roy Brown

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises an area of open space in a residential area. The site covers an area of c.780sqm. The area has been enclosed by a fence to its south and west and its use has been changed to a private gated communal garden. It currently contains short-cut grass, recently planted trees and shrubs. The enclosure of this space constitutes a change of use from public open space to a private gated communal garden. As this change of use does not have planning permission, neither change of use nor the boundary treatment is authorised.

The site is bounded to the east by the rear curtilage of the residential dwellings, 5, 6 and 7 Craighden and the Craighden viaduct to the west. The site is surrounded to the south and west by, and prior to its enclosure formed part of, a large open space known as the North Burn of Rubislaw. This comprises mature woodland, the Rubislaw Burn and public footpaths linking the surrounding residential areas and the Woodend General Hospital buildings. The nearest public footpath bounds the site to its immediate south. The trees in the area are protected by way of Tree Preservation Order 251, including the recently planted trees.

Relevant Planning History

The development that is the subject of this application is the subject of an ongoing planning enforcement investigation (Ref: ENF220116).

Consent was granted to remove 4 protected trees on the site in October 2019 (Ref: 191545/TPO). Planning permission was granted in 1997 for the wider residential development by way of the

erection of 94 homes (Ref: 97/1658). The development of Craigden itself was granted in 1998 (Ref: 98/0943). The current application site was part of the open space provision for the wider development in the landscape plan (planning application ref: 98/0943; drawing ref: 98/020/01).

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought retrospectively for the change of use of the open space to form a private gated communal garden and for the erection of a perimeter boundary fence and gate. The area is accessed by a gate on its boundary with 6 Craigden and by a gate in the southern boundary (which is locked by a combination lock). The western boundary fence is c.28m long and the southern fence is c.30m in length and adjoins the rear boundary fence of 7 Craigden. The fencing is c.1.9m in height.

Amendments

None.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RKM9CYBZKYY00>

Supporting Statement (Prepared by Ryden)

Sets out the site and sales history of the site, as well as correspondence with the Planning Service prior to the submission of the application. It highlights the reason the development was undertaken, notably in that the site was the subject of vandalism, that the site does not form part of the garden ground of 6 Craigden. It refers to the Title Deeds of the site, which requires the owner of the site to be responsible for the care of the area as a woodland. It is also noted that a Pre-Application Enquiry regarding the enclosure of the land was made in April 2019 and that no response was provided by the Planning Service.

Supporting Correspondence (Prepared by Ryden)

Justifies the proposal in that it has been undertaken to protect the green space as the area has been the subject of vandalism and fires. It is raised that the enclosure of the space has alleviated the issues on the application site, providing protection for the young planting on the site and thus enhancing biodiversity. The absence of police records does not mean that vandalism is not occurring. It is considered that a precedent would not be set as the Council assesses each site on its own merits. Precedent would not be considered a valid reason because of the history of the site and the reasons for erecting the fence to protect the area.

CONSULTATIONS

Police Scotland – Police Scotland were consulted. However, no response was received.

Woodend Community Council – No response received.

REPRESENTATIONS

6 representations have been received (2 objections and 4 in support). The matters raised can be summarised as follows –

Objections

- The boundary fence conflicts with Policies H1, D1 and NE3 of the Aberdeen Local Development Plan 2017 due to the inappropriate height and location of the fence; impact on the streetscape; and loss of public open space.
- The area has resulted in the loss of the public use of this area. It should be for the public and wildlife and should not be locked from anyone.
- If there is concern about vandalism, security cameras could be installed.

Representations in Support

- The area has been improved since the development in that numerous trees and shrubs have been planted. It was formerly messy, unkempt and subject to vandalism. The previous owner had removed all the trees and left rubbish on the site, which has since been removed and planting undertaken.
- Access to the site is provided to neighbours, which improves the area and demonstrates commitment to maintaining community amenity.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Development Plan

National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 4 (Natural Places)
- Policy 6 (Forestry, Woodland and Trees)
- Policy 14 (Design, Quality and Place)
- Policy 20 (Blue and Green Infrastructure)

Aberdeen Local Development Plan 2017 (ALDP)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within five years after the date on which the current plan was approved. The ALDP is beyond this five-year period.

The following policies are relevant –

- Policy H1 (Residential Areas)
- Policy NE1 (Green Space Network)
- Policy NE3 (Urban Green Space)
- Policy NE4 (Open Space Provision in New Development)
- Policy NE5 (Trees and Woodland)
- Policy NE8 (Natural Heritage)
- Policy NE9 (Access and Informal Recreation)
- Policy D1 (Quality Placemaking by Design)

Proposed Aberdeen Local Development Plan 2020 (Proposed ALDP)

The Report of Examination on the Proposed Aberdeen Local Development Plan 2020 (PALDP) was received by the Council on 20 September 2022. All the recommendations within the Report have been accepted and the modifications made to the PALDP were agreed by Full Council on 14 December 2022. The PALDP constitutes the Council's settled view as to the content of the final adopted ALDP and is now a material consideration in the determination of planning applications. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on the relevance of these matters to the application under consideration.

The following policies are relevant –

- Policy H1 (Residential Areas)
- Policy NE2 (Green and Blue Infrastructure)
- Policy NE3 (Natural Heritage)
- Policy NE5 (Trees and Woodland)
- Policy D1 (Quality Placemaking)

Supplementary Guidance

- Green Space Network and Open Space

Other Material Considerations

- PAN65 (Planning and Open Space)

EVALUATION

Loss of Valued Publicly Accessible Open Space

The area of land that has been the subject of the change of use was previously publicly accessible open space. The proposal is for the change of use of the publicly accessible open space to a private gated communal garden.

One of the overarching spatial principles of NPF4, 'Local Living', sets out that improving community health and wellbeing can be achieved by ensuring people can easily access greenspace. The Qualities of Successful Places referred to in Policy 14 (Design, Quality and Place) of NPF4 seeks development to be designed for healthy and active lifestyles, through access to nature and greenspace. Paragraph 3.95 of the ALDP states that 'access to good quality open space helps to make Aberdeen an attractive place to live, work and invest and improves the health and wellbeing of our citizens.' As such, there is a presumption in both national and local planning policy in retaining and improving open space and therefore the proposal to remove the area from the public is contrary to these aims.

The site is zoned within Policy H1 (Residential Areas) of the ALDP. The proposal conflicts with this policy in principle in that it results in the loss of publicly valued open space, it adversely affects the character and amenity of the surrounding area, and conflict with the aims of the Supplementary Guidance, in this case the Green Space Network and Open Space Supplementary Guidance. This is set out in detail below.

In considering whether the site would result in the loss of valued open space, in terms of assessment against Policies H1 and NE1 of the ALDP, regard is had for the qualities of the open space prior to the development and the impact on its values since it has become enclosed by fencing and access to the wider public prevented.

The entirety of the application site is zoned within Policy NE1 (Green Space Network) of the ALDP. This policy requires the Council to protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network. Policy 20 (Blue and Green Infrastructure) of NPF4 states that development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained.

The provision of the application site as open space was intentionally required and laid out for the planning permission for the development of Craigden to meet its open space requirements (Ref: 98/0943). The site is of a substantial size in that it covers an area of c.780sqm. It is located in the Green Space Network as part of the wider North Burn of Rubislaw area and prior to the development there was no physical boundary or distinction between the application site and the wider open space. This wider open space is characterised by amenity spaces, woodland, open semi-natural spaces as well as the watercourse of the Rubislaw Burn and footpaths connecting the streets in the wider area. The application site and the wider open space is key to the local sense of place, landscape character and amenity of the surrounding area and has significant natural environment, recreational, access values, as well as comprising the provision of sustainable transportation links. The value of the application site as public open space was quantified in the Open Space Audit 2010 whereby it scored highly in in terms of its quality, particularly in terms of its 'place' and 'biodiversity' scores.

The application site itself was previously readily accessible to the public as it was immediately to the north of a public footpath and was thus a desire line for the footpath between the southwest boundary of 7 Craigden and the footpath further to the northwest under the viaduct. Without permanent development prohibiting access, it thus had access and recreation value in itself.

As such, prior to the change of use, the application site itself and the site as part of the larger network of open space was a valued and valuable area of open space which contributes to the character and amenity of the surrounding area.

Policy NE3 of the ALDP states that permission will not be granted to redevelop any parks, playing fields, sports pitches, woods, allotments or all other areas of urban green space for any use other than recreation and sport. It is acknowledged that the proposed use would remain in a recreational use as a private gated communal garden and thus the development does not necessarily conflict with Policy NE3 of the ALDP.

However, Policy NE9 – Access and Informal Recreation of the ALDP states that new development should not compromise the integrity of existing or potential recreational opportunities including general access rights to land, as well as rights of way.

In terms of Part 1 of the Land Reform (Scotland) Act 2003, it appears to the Planning Service that access rights should be provided to the public to the application site notably in terms of the right to cross the land and for recreation purposes. This is notably on the basis that the space does not appear to form land on which access rights cannot be exercised, as defined by the Land Reform (Scotland) Act 2003.

As above, the application site itself was previously readily accessible to the public as it was immediately to the north of a public footpath and also formed part of a desire line between the southwest boundary of 7 Craighden and the footpath further to the northwest under the viaduct. Without permanent development prohibiting access, the site could previously be crossed by the public for this purpose. Given the footpath links to the wider area, it is considered very likely that the space was used by the wider public rather than solely by the immediate residents and whilst it is acknowledged that its regular usage as such may have depended upon the level of growth on the site at any given time, the erection of the fence and enclosure of the space prevents access to the public in its entirety and removes the access and recreation value provided to the wider public.

Whilst it is acknowledged that the applicant has provided the neighbouring residents with the combination lock code to access the application site as a communal private garden, this information is not available to the wider public. Even if openings were provided within the fencing to allow access, the very presence of the fence would likely deter access on the basis that the fence is of a domestic appearance and design and thus to the wider public less familiar with the site it would appear as a residential boundary rather than publicly accessible open space.

There are a significant number of residential properties in the area that do not have access to private gardens and rely upon the variety of public open spaces in the area for their open space provision. There are several tower blocks and other flatted properties within 300m of the site as well as a nearby care home, Donseat Court, to the west.

The enclosure of the space and prevention of access of the space to the public compromises recreational opportunities and prevents the general access rights of the land and right of way across the land. The loss of the access rights to the land to the wider public conflicts with Policy NE9 of the ALDP. It also appears that the development has tensions with the Land Reform (Scotland) Act 2003. As stated above, Policy NE1 of the ALDP requires the Council to protect, promote and enhance the access and recreation value of open spaces in the city and the Green Space Network. This development conflicts with this policy and the aims of Policy 20 of NPF4.

In considering whether the development has resulted in the loss of valued and valuable area of open space in terms of Policy H1 of the ALDP, whilst it is acknowledged that the space would

remain as an 'open space' as defined by PAN65 (Planning and Open Space), which also includes private grounds, the change of use has resulted in the loss of a valued area of open space to the wider public. Given the substantial size of the application site, the reduction in the available area of open space for recreation, the loss of the space for access and recreation, and the site was required as part of the open space provision requirements in the planning permission for the residential development of the wider area (Ref: 98/0943), it is considered that this development has resulted in the loss of a valued area of open space and that it adversely affects the character and amenity of the surrounding area, in conflict with Policy H1 of the ALDP. The loss of the area as publicly accessible open space is not in the public interest.

Climate Change and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate Mitigation and Adaptation) requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. Policy 3 (Biodiversity) of NPF4 requires proposals for local development to include measures to conserve, restore and enhance biodiversity, proportionate to the nature and scale of development. Furthermore, Policy 6 (Forestry Woodland and Trees) of NPF4 states that development proposals that enhance, expand and improve woodland and tree cover will be supported.

In this instance, given the minor scale and nature of this development, the proposal would have no significant impact on, or be at significant risk from climate change.

The site currently comprises grass with very young planting whereas the site and the wider area was formerly woodland. It is possible that the existing fence detracts, to some degree, on the function of the space by animals on the basis that a physical barrier prevents movement between the application site and the wider area of Green Space Network.

Given the requirements of Policy 3 of NPF4 to require measures to restore and enhance biodiversity and that Policy 6 seeks the expansion of woodland, had the application been approved, it would have been subject to a planning condition requiring the submission and implementation of a landscape plan detailing a wildflower area with mown grass paths and a maintenance schedule. It would have been sought that the newly planted trees around the edges of the area would be maintained weed free within 1m of the base of the trees to ensure rapid and successful establishment. These measures would have ensured that the application site would have integrated into the wider open spaces, resulting in biodiversity net gain, as well as contribute to climate change mitigation, in accordance with the requirements of Policies, 1, 2, 3 and 6 of NPF4.

As the newly planted and existing mature trees are all covered by the Tree Preservation Order No. 251, future management and works to prune or remove any of the trees would be controlled separately through tree work applications.

Subject to such measures, it is acknowledged that the development has not necessarily detracted from the biodiversity of the space as it remains undeveloped as open space with planting, albeit without access to the wider public. Nevertheless, whilst measures could be implemented to address the matters of climate change and biodiversity, such measures could be implemented if it were to remain as publicly accessible open space. Indeed, the excerpts of the Title Deeds requires the owner of the land to maintain it as woodland. As such, irrespective of whether the change of use is granted or not, the owner is obligated to maintain the area as woodland. For the reasons set

out above, the development has resulted in the loss of valued public open space and access and recreational value of the Green Space Network.

Precedent

Notwithstanding every planning application is assessed on its own merits, had the Planning Service been minded to grant planning permission, it is considered that this proposal would have been very likely to give rise to the setting of an unwelcome precedent that would make it difficult to resist similar proposals in the future. It would authorise the privatisation of an area of publicly accessible open space, removing the many amenities and values of such spaces for the wider public. The site forms part of a larger area of open space, there are similar areas of open space in the area, and there are no mitigating circumstances which would justify the loss of the space to the wider public.

As above, paragraph 3.95 of the ALDP states that 'Access to good quality open space helps to make Aberdeen an attractive place to live, work and invest and improves the health and wellbeing of our citizens.' Public open spaces provide vital amenities for those living and working in the wider area. There are a significant number of residential properties in the area that do not have access to private gardens and rely upon the variety of public open spaces in the area for their open space provision. There are several tower blocks and other flatted properties within 300m of the site as well as a nearby care home, Donseat Court, to the west. Furthermore, the open space in the area serves as amenity space for those working in Woodend General Hospital. As such, the open space in the area provides significant amenities to those living and working in the area.

There is a significant risk that the grant of planning permission for this development would set a precedent for similar proposals to reduce areas of public open space, which if repeated, would result in the cumulative loss of public open space and the Green Space Network, open space provision and adversely affect the amenity of the surrounding area. This would be particularly detrimental to those living in the surrounding area with no access to gardens. Such an approach would also be contrary to the Qualities of Placemaking referred to in Policy D1 of the ALDP, which requires inclusive layouts and seeks development with high levels of natural surveillance. As such, it would not be in the public interest.

The supporting information submitted with the application has stated that the change of use and enclosure of the space with a fence has been undertaken because the site has been the subject of anti-social behaviour and vandalism.

Firstly, it must be highlighted that the misuse of land and crime having taken place is not a material planning consideration in assessing the removal of open space. It does not constitute sufficient justification for the loss of open space and does not justify the prevention of responsible access and recreational use for the wider public. These are matters that could have been addressed by the Police and through crime prevention measures.

Secondly, no evidence of this behaviour has been submitted with the application. There is no evidence of vandalism or fires having previously been lit on the site. The Environmental Services Team hold no record of vandalism in the nearby areas of open space. The Planning Service consulted Police Scotland regarding the proposal, but they did not respond. Therefore, the applicant has submitted no evidence of this behaviour and furthermore the Planning Service has not found any evidence to corroborate the claims.

With respect to security, whilst it is acknowledged that the erection of the fence has perhaps improved the sense of security for the applicant (as well as the representations in support), if this

is indeed an issue in the area, it is unclear how the erection of a fence would adequately resolve it. The Qualities of Placemaking referred to in Policy D1 of the ALDP requires development to be safe and pleasant through enabling natural surveillance of public spaces and to not create spaces which are unsafe or likely to encourage or facilitate crime. Given the erection of the fence has resulted in the wider open space and public footpath being further from the residential properties, the development has likely resulted in the reduction of natural surveillance in the area, and thus possible have been detrimental to overall safety.

One of the primary arguments raised by the applicant to justify the development is that it was to address vandalism and anti-social behaviour. As above, this is not a material planning consideration, and they are issues that could be addressed separately by the Police and through other crime prevention measures. It is not in the public interest for this to remove valued areas of open space and preventing recreation and responsible access rights being exercised by the public.

Proposed Fencing and Visual Amenity

To determine the effect of the proposal on the visual amenity it is necessary to assess it in the context of Policy 14 of NPF4 and Policy D1 of the ALDP. Policy D1 recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment.

Whilst its domestic design and form discourages access to the site on the basis that it appears a residential boundary and it covers an area of open space, the proposed fence corresponds visually in its height and materials with the boundary fencing of the rear curtilage of the properties on Craighden. Furthermore, the siting of the fence, which aligns with the southern boundary of fence does not extend beyond the southwest boundary line of 7 Craighden. The proposed fence has, however, been designed so that the posts are on the public facing south and west elevations of the fence, which to some degree detract from the uniformity of the boundary fencing and the expected form of domestic boundary treatment whereby the panels would be expected to be on the public facing elements. The detailing of the design of the fence nevertheless does not detract from the visual amenity of the surrounding area by any significant degree and is not the reason for the outcome of this application. The proposal would not necessarily constitute over-development on the basis that the only physical development relates to the erection of fencing of a domestic scale.

Proposed Aberdeen Local Development Plan

The relevant PALDP policies substantively reiterate those in the adopted ALDP and therefore the proposal is unacceptable in terms of both plans for the reasons previously given.

Matters Raised in the Representations

The matters raised with respect to the noted policies, the design and siting of the fence and the loss of public open space and access have been addressed in the above evaluation.

Consideration of the matter of vandalism has also been addressed above. The matters raised in support have been considered.

Whilst it has been raised that the area was previously poorly managed, and the subject of anti-social behaviour and vandalism, it must be highlighted that these do not justify the loss of an area

valued public open space for the wider public, for the reasons set above. The area could be well-managed and remain publicly accessible.

The management of the land by the previous owner is not a material planning consideration in the assessment of the application. Whilst the comments regarding the applicant having maintained the land undertaken planting of trees since the change of use, it is understood that the applicant is obligated to maintain the land as an area in accordance with the principles of good silviculture practice. Appropriate maintenance and management of the land does not justify the removal of open space to the public, particularly in that the application site could be managed appropriately whilst also being publicly accessible.

Other Matters Stated in the Submission

It is noted in the submission that a pre-application enquiry was submitted, no response was provided by the Planning Service and the lack of response was part of the reason why the development was undertaken. It must be clarified that this formal assessment is independent of any advice (or lack of advice) provided by the Planning Service, which is considered on its own merits.

For clarity, the Planning Service has reviewed its planning records and there is a record of a Pre-Application Enquiry being received in 2019 but no record of a response being issued by the Planning Service. Nevertheless, the enquiry related to a proposal for the erection of a wire-mesh fence on the site and specifically stated that the proposal did not comprise a change of use. As such, whilst there is no record of a response from the Planning Service for that enquiry, the development in the pre-application enquiry does not fully correspond with the development that has been undertaken on the site, which is being considered in this application.

DECISION

Refuse

REASON FOR DECISION

The change of use of the application site to a private gated communal garden has resulted in the loss of a valued area of open space to the wider public, which was required as part of the open space provision requirements in the planning permission for the residential development of the wider area, and thus adversely affects the character and amenity of those living and working in the surrounding area. The prevention of access to the wider public compromises the recreational opportunities of the space and prevents the general access rights of the land and right of way across the land and thus the recreation and access value to the public from this space has been lost. The proposal reduces the access and recreation value of the Green Space Network. The loss of the publicly accessible open space is not in the public interest and is contrary to the aims of both National Planning Framework 4 and the Aberdeen Local Development Plan 2017 in terms of enhancing access to high quality open space on the basis that it improves health and wellbeing.

The proposal could give rise to the setting of a precedent that would make it difficult to resist similar proposals in the future which cumulatively could result in the gradual erosion of and fragmentation of publicly accessible open space, which would not be in the public interest. Such an approach would be significantly detrimental to the character and amenity of those living and working in the surrounding area and would be contrary to the Qualities of Placemaking referred to in Policy D1 – Quality of Placemaking by Design of the Aberdeen Local Development Plan 2017

and the Qualities of Successful Places referred to in Policy 14 (Design, Quality and Place) of National Planning Framework 4, which seeks inclusive layouts and development and passive surveillance.

The proposal would therefore conflict with the principles Policies 14 (Design, Quality and Place) and 20 (Blue and Green Infrastructure) of National Planning Framework 4; H1 (Residential Areas) NE1 (Green Space Network), NE9 (Access and Informal Recreation) and D1 (Quality Placemaking by Design) of Aberdeen Local Development Plan 2017; Policies H1 (Residential Areas), NE2 (Green and Blue Infrastructure) and D1 (Quality Placemaking) of the Proposed Aberdeen Local Development Plan 2020; the aims of the Green Space Network and Open Space Supplementary Guidance.

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Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100602313-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Retrospective application for the change of use from Public Open Space to Community Garden and erection of associated enclosure fence on land to the rear of 6 Craighden, Aberdeen

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place? Yes No
(Answer 'No' if there is no change of use.) *

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

Please explain why work has taken place in advance of making this application: * (Max 500 characters)

The applicant requested pre application feedback and when this was not received, he thought that it was acceptable as he did not consider that the works comprised a change of use. In addition, it was thought that the fence was within permitted development rights.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Ryden LLP		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Claire	Building Name:	
Last Name: *	Coutts	Building Number:	25
Telephone Number: *	01224 588866	Address 1 (Street): *	Albyn Place
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Aberdeen City
		Postcode: *	AB10 1YL
Email Address: *	claire.coutts@ryden.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	David	Building Number:	6
Last Name: *	Lawrie	Address 1 (Street): *	Craigden
Company/Organisation	n/a	Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Aberdeen City
Mobile Number:		Postcode: *	AB15 6YW
Fax Number:			
Email Address: *	claire.coutts@ryden.co.uk		

Site Address Details

Planning Authority:

Aberdeen City Council

Full postal address of the site (including postcode where available):

Address 1:

6 CRAIGDEN

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 6YW

Please identify/describe the location of the site or sites

Northing

806075

Easting

389718

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Various correspondence between ACC and the applicant has taken place. The Council confirmed on 31Aug that "although not publicly available open space the land was previously accessed and used by members of the public. In consideration of the circumstances and the land no longer readily available to members of the public we would be seeking an application for change of use from public open space to community garden and a planning application in respect of the fence".

Title:

Mr

Other title:

First Name:

Stuart

Last Name:

Morrice

Correspondence Reference Number:

ENF220116

Date (dd/mm/yyyy):

23/06/2022

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

781.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

The land was originally open space delivered as part of the application for housing at Craighden. It is identified in the LDP as H1:Residential Areas

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

0

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

not applicable to the application as no built development is proposed

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Claire Coutts

On behalf of: n/a

Date: 31/10/2022

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Fence Plan, Supporting Letter

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mrs Claire Coutts

Declaration Date: 31/10/2022

Payment Details

Pay Direct

Created: 31/10/2022 11:25

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Claire Coutts
Ryden LLP
25 Albyn Place
Aberdeen
Aberdeen City
AB10 1YL

on behalf of **Mr David Lawrie**

With reference to your application validly received on 1 November 2022 for the following development:-

Change of use from public open space to private gated communal garden and erection of associated enclosure fence with gate (retrospective) at Land To Rear Of 6 Craighden, Aberdeen

Aberdeen City Council in exercise of their powers under the above mentioned Act hereby **REFUSE PLANNING PERMISSION** for the said development in accordance with the particulars given in the application form and the following plans and documents:

Drawing Number	Drawing Type
A3958- 01	Location Plan
A3958- 02	Fence Layout Plan (Proposed)
A3958- 03	Multiple Elevations (Proposed)

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

None.

REASON FOR DECISION

The reasons on which the Council has based this decision are as follows:-

The change of use of the application site to a private gated communal garden has resulted in the loss of a valued area of open space to the wider public, which was required as part of the open space provision requirements in the planning permission for the residential development of the wider area, and thus adversely affects the character and amenity of those living and working in the surrounding area. The prevention of access to the wider public compromises the recreational opportunities of the space and prevents the general access rights of the land and right of way across the land and thus the recreation and access value to the public from this space has been lost. The proposal reduces the access and recreation value of the Green Space Network. The loss of the publicly accessible open space is not in the public interest and is contrary to the aims of both National Planning Framework 4 and the Aberdeen Local Development Plan 2017 in terms of enhancing access to high quality open space on the basis that it improves health and wellbeing.

The proposal could give rise to the setting of a precedent that would make it difficult to resist similar proposals in the future which cumulatively could result in the gradual erosion of and fragmentation of publicly accessible open space, which would not be in the public interest. Such an approach would be significantly detrimental to the character and amenity of those living and working in the surrounding area and would be contrary to the Qualities of Placemaking referred to in Policy D1 - Quality of Placemaking by Design of the Aberdeen Local Development Plan 2017 and the Qualities of Successful Places referred to in Policy 14 (Design, Quality and Place) of National Planning Framework 4, which seeks inclusive layouts and development and passive surveillance.

The proposal would therefore conflict with the principles Policies 14 (Design, Quality and Place) and 20 (Blue and Green Infrastructure) of National Planning Framework 4; H1 (Residential Areas) NE1 (Green Space Network), NE9 (Access and Informal Recreation) and D1 (Quality Placemaking by Design) of Aberdeen Local Development Plan 2017; Policies H1 (Residential Areas), NE2 (Green and Blue Infrastructure) and D1 (Quality Placemaking) of the Proposed Aberdeen Local Development Plan 2020; the aims of the Green Space Network and Open Space Supplementary Guidance.

Date of Signing 2 June 2023



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

If the applicant is aggrieved by the decision of the planning authority –

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A review request must be made using the 'Notice of Review' form available from <https://www.eplanning.scot/>.

SERVICE OF PURCHASE NOTICE WHERE INTERESTS ARE AFFECTED BY A PLANNING DECISION

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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From: Allister Fraser
Sent: Thursday, September 7, 2023 2:58 PM
To: Mark Masson <MMasson@aberdeencity.gov.uk>
Subject: Re: Local Review Body - 6 Craighden

Mark,

Please see my follow up response for the consideration of the review body.

I would like to add to my previous support for the fenced off area behind Craighden houses 5, 6 and 7. I believe I speak for the entire neighbourhood in supporting the initiative of our neighbours in number 6. They have, at their own considerable expense, tried to improve the land adjacent to the houses by; removing rubble/ rubbish, fencing off the area to avoid vandalism and by planting trees and shrubs. The fenced off area is a dead-end and leaves plenty of walking access alongside the Danburn for the many dog-walkers and the likes.

We (the Craighden residents), have recently suffered an encampment by travellers adjacent to the fenced off area and are convinced the population would have been significantly higher had there been free access to the fenced-off area. The council have helped with removal of the encampment but in the process many council members have been involved with a corresponding cost, not least the clean-up cost. The stress to the entire neighbourhood, due to intimidation by the travellers resulted in a very difficult time for all of us. Whilst perhaps unrelated to this appeal, we consider the fence to provide a degree of protection against any further similar occurrences.

Another ongoing saga in Craighden is the "development" of land to the north of houses 14 & 15. The landowner sought planning approval on many occasions without success however, approximately 2 years ago he appealed to the Scottish government and gained approval for allotments, 4 car parking spaces and a small building to serve the plots. Having gained approval he created an access road from the main Craighden entry road in late 2022 and since all work on the site has ceased. He erected 8ft temporary metal fences around the entire area - leading to a complete eyesore and the feeling of a building site for all the Craighden residents. None of us believe the developer can monetarise allotments and hence believe he intends to seek another development "now that the access road is in place". When I challenged the council regards how long we would have to endure metal fencing - they replied "in perpetuity". Again whilst not directly related to the fenced area at Number 6, we the residents are disgusted that the "money inspired" actions of a greedy developer seem to attract the full support of the council whilst resident initiatives to improve the environment, seem to endure the full wrath of the council machine. The residents, as full paying council tax members, strongly request that a common-sense approach in the interest of local residents and the environment. Objections by people not even living in the vicinity of the fenced-off area, whilst of course entitled, do seem petty and should, I suggest, be secondary to those of us who live, and indeed pay our council tax in that area.

I strongly urge the review body to consider the full context of this fenced-off area prior to making any decision.

Yours

Allister Fraser

Number 11 Craighden

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Comments for Planning Application 221307/DPP

Application Summary

Application Number: 221307/DPP

Address: Land To Rear Of 6 Craighden Aberdeen AB15 6YW

Proposal: Change of use from public open space to private gated communal garden and erection of associated enclosure fence with gate (retrospective)

Case Officer: Roy Brown

Customer Details

Name: Mr Allister Fraser

Address: 11 Craighden Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The fence and associated landscaping has resulted in a much tidier area and is a welcome initiative given the previous; dumping, vandalism and general untidiness of the site.

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Comments for Planning Application 221307/DPP

Application Summary

Application Number: 221307/DPP

Address: Land To Rear Of 6 Craighden Aberdeen AB15 6YW

Proposal: Change of use from public open space to private gated communal garden and erection of associated enclosure fence with gate (retrospective)

Case Officer: Roy Brown

Customer Details

Name: Mr Charles Dingwall

Address: 3 Craighden Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The area in question comparing it with the surrounding area has been improved tremendously, with numerous trees and shrubs being planted. Out with the fenced area the ground is untidy and unkempt with evidence of fly tipping and general litter. I am fully supportive of the efforts and changes made to enhance area.

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Comments for Planning Application 221307/DPP

Application Summary

Application Number: 221307/DPP

Address: Land To Rear Of 6 Craighden Aberdeen AB15 6YW

Proposal: Change of use from public open space to community garden and erection of associated enclosure fence (retrospective)

Case Officer: Roy Brown

Customer Details

Name: Mr Gordon Middleton

Address: 14 Craighden Aberdeen Aberdeenshire

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:As someone who lives in the community and regularly uses the area around this site as part of our regular dog walks I am totally supportive of the improvement this has made to the local community.

The previous owner had no interest in preserving the green space in this neighbourhood and this solution has not only enhances the amenity area by taking some action against nuisance but also guarantees appropriate maintenance of the site such that it will make a positive contribution to the community going forward.

On top of this by making it clear that access is available to neighbours, the applicant has demonstrated their commitment to maintaining the community amenity.

This is a positive contribution to the area.

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Comments for Planning Application 221307/DPP

Application Summary

Application Number: 221307/DPP

Address: Land To Rear Of 6 Craighden Aberdeen AB15 6YW

Proposal: Change of use from public open space to private gated communal garden and erection of associated enclosure fence with gate (retrospective)

Case Officer: Roy Brown

Customer Details

Name: Mr Tim Davies

Address: 5 Craighden Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The area was historically a piece of wild impenetrable bramble and fallen timber filled with massive amounts of rubbish discarded from the bridge. A total mess. The developer who bought it hoping to develop it cut down all the trees but left all the rubbish. Since it's transferred into private control it is superb, well maintained and a great amenity to our community. The application is supported

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Comments for Planning Application 221307/DPP

Application Summary

Application Number: 221307/DPP

Address: Land To Rear Of 6 Craighden Aberdeen AB15 6YW

Proposal: Change of use from public open space to community garden and erection of associated enclosure fence (retrospective)

Case Officer: Roy Brown

Customer Details

Name: Dr Bill Harrison

Address: 16 Summer Place Dyce Dyce Aberdeen

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this application. Reason: the proposed boundary fence is not consistent with policies H1 (residential areas), D1 (quality placemaking by design) and NE3 (urban green space) of the Aberdeen Local Development Plan (2017) due to the inappropriate height and location of the fence and the impact on the streetscape and residential amenity and the loss of public open space.

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Comments for Planning Application 221307/DPP

Application Summary

Application Number: 221307/DPP

Address: Land To Rear Of 6 Craigden Aberdeen AB15 6YW

Proposal: Change of use from public open space to community garden and erection of associated enclosure fence (retrospective)

Case Officer: Roy Brown

Customer Details

Name: Mr Charles Mcgregor

Address: 112 Kirkhill Road Aberdeen

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to this being fenced off as the area does not belong to the community this land belongs to the city council and it is for public use this area should never be lock off from anyone. if this resident is that concerned about vandalism he could installed security cameras were have green area's outside our property and it is for wild life and the general public to enjoy this is just fortification and should not be allowed

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Application 221307/DPP – 6 Craigden

Development Plan

National Planning Framework 4

[Supporting documents - National Planning Framework 4: revised draft - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents-national-planning-framework-4-revised-draft)

- 1. Tackling the climate and nature crises
- 2. Climate mitigation and adaptation
- 3. Biodiversity
- 4. Natural places
- 6. Forestry, woodland and trees
- 14. Design, quality and place
- 20. Blue and green infrastructure

Aberdeen Local Development Plan 2023

<https://www.aberdeencity.gov.uk/services/planning-and-building-standards/local-development-plan/aberdeen-local-development-plan>

- H1 Residential Areas
- WB1 Healthy Developments
- NE2 Green and Blue Infrastructure
- NE3 Our Natural Heritage
- NE5 Trees and Woodland
- D1 Quality Placemaking

Other Material Considerations

Interim Aberdeen Planning Guidance

[Aberdeen Planning Guidance and Supplementary Guidance 2023 | Aberdeen City Council](#)

- Open Space and Green Infrastructure

National Planning Advice

- Planning Advice Note 65: Planning and open space - gov.scot

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Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100635480-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Ryden LLP"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Claire"/>	Building Name:	<input type="text" value="The Capitol"/>
Last Name: *	<input type="text" value="Coutts"/>	Building Number:	<input type="text" value="431"/>
Telephone Number: *	<input type="text" value="01224 588866"/>	Address 1 (Street): *	<input type="text" value="Union Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Aberdeen City"/>
		Postcode: *	<input type="text" value="AB11 6DA"/>
Email Address: *	<input type="text" value="claire.coutts@ryden.co.uk"/>		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="David"/>	Building Number:	<input type="text" value="6"/>
Last Name: *	<input type="text" value="Lawrie"/>	Address 1 (Street): *	<input type="text" value="Craigden"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB15 6YW"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="claire.coutts@ryden.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="6 CRAIGDEN"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB15 6YW"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806075"/>	Easting	<input type="text" value="389718"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Appeal against the refusal by Aberdeen City Council to grant change of use from public open space to private gated communal garden and erection of associated enclosure fence with gate to the rear of 6 Craigden, Aberdeen

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See attached Grounds of Appeal Statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

See attached Grounds of Appeal Statement

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

221307/DPP

What date was the application submitted to the planning authority? *

01/11/2022

What date was the decision issued by the planning authority? *

02/06/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

It is considered appropriate to visit the site to appreciate the fence in the context of the site and the benefits it provides.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Claire Coutts

Declaration Date: 22/08/2023

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GROUNDS OF APPEAL STATEMENT

**APPEAL TO THE LOCAL REVIEW BODY AGAINST
 THE REFUSAL BY ABERDEEN CITY COUNCIL TO
 GRANT CHANGE OF USE FROM PUBLIC OPEN
 SPACE TO PRIVATE GATED COMMUNAL
 GARDEN AND ERECTION OF ASSOCIATED
 ENCLOSURE FENCE WITH GATE TO THE REAR
 OF 6 CRAIGDEN, ABERDEEN**

MR DAVID LAWRIE

AUGUST 2023

Ryden

CONTENTS

- 01** Introduction
- 02** Site Description and Proposals
- 03** Background
- 04** Development Plan Context
- 05** Grounds of Appeal
- 06** Response to Representations
- 07** Conclusion

DOCUMENTS

- LAW01: Pre-application advice request to ACC, dated: 11th April 2019**
- LAW02: Letter from ACC to Appellant, dated: 23rd June 2022**
- LAW03: Letter from Ryden to ACC, dated: 17th August 2022**
- LAW04: Title for area of land to rear of 6 Craighden**
- LAW05: Retrospective planning application, dated: 31st October 2022**
- LAW06: Covering letter for planning application, dated: 31st October 2022**
- LAW07: Further details to ACC in response to request for further information, dated: 14th November 2022**
- LAW08: Letters of Representation, dated: various**
- LAW09: Comments on the application from ACC, dated: 24th January 2023**
- LAW10: Response from Ryden to ACC, dated: 26th January, 30th January and 9th February 2023**
- LAW11: Refusal Notice, dated: 2 June 2023**
- LAW12: NPF4 (extracts)**
- LAW13: Aberdeen Local Development Plan 2017 (extracts)**
- LAW14: Proposed Aberdeen Local Development Plan 2020 (extracts)**
- LAW15: ACC Open Space Strategy, dated: 2011 - 2016**
- LAW16: ACC Open Space Audit, dated: 2010**
- LAW17: ACC Report of Handling**

01

INTRODUCTION

- 1.1 This Grounds of Appeal Statement has been prepared by Ryden LLP on behalf of the Appellant, Mr David Lawrie against the refusal of Aberdeen City Council to grant change of use from public open space to private gated communal garden and erection of associated enclosure fence with gate to the rear of 6 Craighden, Aberdeen, under the application reference 221307/DPP.
- 1.2 The appeal has been submitted under Section 43A of the Town and Country Planning (Scotland) Act 1997 within 3 months of the date of the refusal notice. The Appellants wish the appeal to be determined through the consideration of this written submission and urge Councillors to visit the site to view the proposals in context.

02

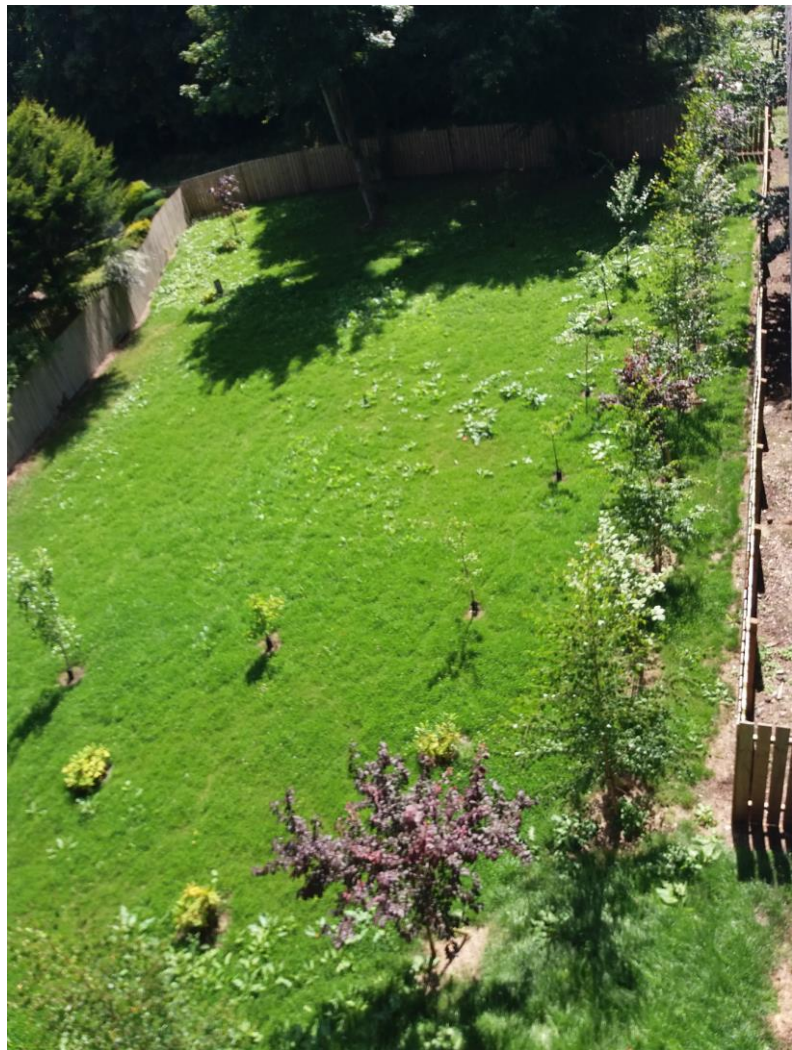
SITE DESCRIPTION AND PROPOSALS

- 2.1 The appeal site is located to the rear of no's 5, 6 and 7 Craigden, forming part of the open space of that residential development, built by Cala in 1999 and shown delineated in red on the plan below.



Site Location Plan

- 2.2 The proposals involve the provision of a boundary enclosure, made up of a new 1.8m timber fence (including a gate controlled by combination lock) which extends along the southern and western boundaries only. It meets an existing granite retaining wall to the north of the site (as shown in the photographs below), with the eastern boundary formed by an existing 1.8m timber fence making up the rear garden boundary of no's 5, 6 and 7 Craigden. The fence has been erected to match existing boundary fences in the area (as shown in the photographs below) and therefore sits well in that context and has done so for a number of years.
- 2.3 The position of this fence means that the open space is now enclosed. However, the owners of all properties within the residential development have access to the combination lock code, ensuring they maintain access to the land as part of the open space provision of the residential development as it was originally intended.



Site Photographs

- 2.4 It is important to advise the LRB of a recent incident of “encampment” on land adjacent to the appeal site. It is understood that this land was sold to a person from Leeds who is also pursuing an application to develop it as an allotment. Recently, they inhabited the land with 3 caravans, a transit van and at least one car together with dog-kennels on the site, with a view to occupying the site on a more permanent basis. We trust that the LRB will recognise that this land is entirely separate from the appeal site, with the appellants looking to enhance the natural environment in this location.
- 2.5 Further to this, land behind houses 14 and 15 Craighden has been granted planning permission (Ref: 210283/DPP) at appeal for the formation of an access, parking and a bike shed for allotments (which did not themselves require planning as it was considered “agricultural”). In November/December 2022 work commenced to create the access road on the corner of Craighden into the plot in question. The road was completed with edging blocks and tar extending approximately 10 yards from the existing road. Steel fencing was erected around the entire perimeter of the plot, including on the access corner into Craighden. No work has since progressed in this plot other than the dumping of rubble (approximately 4-off flat-bed truck loads) randomly dumped near the boundary fence with numbers 14 and 15 Craighden. The access down to Craighden, owned by the same entity, is overgrown and particularly unsightly and combined with the metal fence, gives the appearance of a perpetual building site, prohibiting access to the amenity land in that location.

03

BACKGROUND

- 3.1 The appellant purchased 6 Craighden in 2003. At that time, the land surrounding the houses and gardens in Craighden was owned by Cala (who built the houses in 1999). No. 6 Craighden backs on to the bridge running from Queens Road to Woodend Hospital. The ground behind the garden (and those of numbers 5 and 7) had been used as site access by Cala and as a result much of the original trees and vegetation had been removed during construction which meant that the back garden of No. 6 Craighden was exposed to the bridge.
- 3.2 The bridge is a main route from Summerhill to Hazlehead Academy and over the years the appellant has been subjected to significant littering and occasional vandalism, including objects, such as cans, bottles, and golf balls, being thrown into their garden and at their house.
- 3.3 At some point after 2003, Cala sold the land to the Greenbelt Company who took on the obligation to maintain the land. Unfortunately, this never happened, and the appellant continued to suffer from regular episodes of littering and vandalism from the bridge. They regularly picked up the litter and took action to try and reduce the vandalism in 2006 by seeking (and being granted) permission by the Greenbelt Company to plant several trees in the area between the rear gardens and the bridge, at their own cost.
- 3.4 Over time, those trees grew and started to provide better screening from the bridge vandals. Unfortunately, the new trees also proved to be an attraction to the vandals who would regularly congregate under the bridge resulting in several of the new trees being damaged and set on fire. It was a regular struggle to keep the area maintained and not allow it to turn into a dumping ground.
- 3.5 Around 2017, the Greenbelt Company folded and the land was (unbeknown to the Craighden residents) sold to Rubislaw Estates. Their objective was to obtain planning permission for a new care home on part of the land acquired and their attitude to the Craighden residents was hostile, cutting down several trees and shrubs, including some of those behind No. 6 Craighden, undoing much of the work the appellant had put in to improve protection from the bridge vandals. Eventually that tree cutting was stopped by a Tree Preservation Order (TPO).
- 3.6 In late 2018 one of the largest remaining trees behind No. 6 Craighden blew down in a storm. Rubislaw Estates refused to replace it, leaving the appellant again, without any significant cover from the bridge. They approached Rubislaw Estates about purchasing the land at the rear of their garden. Contact was made with the neighbours at numbers 5 and 7 Craighden about making a joint purchase but they declined. In 2019, the appellant solely purchased the strip of land extending behind numbers 5, 6 and 7 Craighden, in an effort to try and protect the amenity of their home.
- 3.7 The appellant wrote to the Council in April 2019 seeking pre-application advice (**Document LAW01**) on whether planning permission was required to erect a fence around their land, to protect the new trees from vandalism and ultimately to ensure the

area is maintained in an appropriate way. It was made clear that the appellant had no intention of incorporating the land into their own garden ground and as such, the land would be held under a different title from the property at 6 Craighden. The appellant would continue to make the area accessible to all Craighden residents, which has been achieved through the provision of a gate controlled by a combination lock, to which every house at Craighden has access.

- 3.8 The appellant received no response from the Council on their pre-application request, so following discussions with their solicitor and considering the appellant was not changing the use of the land to private garden ground, they cleared the land, erected a boundary fence enclosing the area and planted some 30 new trees. The effect was to transform the area from a space that had been an eyesore and a magnet for litter and vandals into a pleasant space which the appellant and other Craighden residents could take some pride in. The trees planted are now growing and re-establishing some screening to 6 Craighden and its neighbours.
- 3.9 Aberdeen City Council contacted Mr Lawrie by letter dated 23rd June 2022 (**Document LAW02**), stating that *“you appear to have enclosed an area of public open space immediately behind your property and are utilising the area as private garden ground”*. Ryden replied on behalf of Mr Lawrie, by letter dated 17th August 2022 (**Document LAW03**) providing background to the position and confirmed that the Council's assumption was incorrect and no change of use had taken place as the land under consideration was held in separate title (**Document LAW04**) from No. 6 Craighden and therefore forms no part of the private garden ground. On that basis, it was argued that no change of use application was required, with the only issue being the erection of the fence. Given the position of the fence, there was no safety considerations related to it and clarity was sought on whether a retrospective application would be required.
- 3.10 The Council subsequently confirmed, via email on 31st August 2022, that in consideration of the circumstances, a planning application for change of use from public open space to community garden, including the fence would be required. A retrospective application was therefore submitted on 31st October 2022 (**Document LAW05**) along with a covering letter (**Document LAW06**). Via email on 10th November 2022, the Council welcomed further information and supporting evidence regarding how the site functions in terms of how the neighbours are able to access the space. A response (**Document LAW07**) was provided on 14 November 2022 confirming that *“The area of ground remains accessible to all property owners at Craighden from a footpath along the North Burn of Rubislaw, through a gate on the southern boundary. This is accessible by a combination lock, to which all owners have access. This clearly demonstrates that the land under consideration becomes a fenced area of open space for use by all residents”*. A photograph of the combination lock and an email to residents confirming the number to them, was also submitted as evidence, demonstrating that all residents have access to the fenced area.
- 3.11 There were six letters of representation (**Document LAW08**) received to the application, with 2 objecting and 4 in support. Those objecting did not stay in the vicinity and one stated that the land was owned by the City Council which is incorrect. A full response to these representations is provided in Section 6 below.

- 3.12 The Council offered comments via email dated 24 January 2023 (**Document LAW09**) confirming that the proposal conflicts with the aims of Policies H1: Residential Areas and Policy NE1: Green Space Network of the Aberdeen Local Development Plan 2017. A response to this was submitted by Ryden on 26th January, 30th January and 9th February 2023 (**Document LAW10**).
- 3.13 However, the application was refused on 2nd June 2023 (**Document LAW11**), with the following reason for refusal:

“The change of use of the application site to a private gated communal garden has resulted in the loss of a valued area of open space to the wider public, which was required as part of the open space provision requirements in the planning permission for the residential development of the wider area, and thus adversely affects the character and amenity of those living and working in the surrounding area. The prevention of access to the wider public compromises the recreational opportunities of the space and prevents the general access rights of the land and right of way across the land and thus the recreation and access value to the public from this space has been lost. The proposal reduces the access and recreation value of the Green Space Network. The loss of the publicly accessible open space is not in the public interest and is contrary to the aims of both National Planning Framework 4 and the Aberdeen Local Development Plan 2017 in terms of enhancing access to high quality open space on the basis that it improves health and wellbeing.

The proposal could give rise to the setting of a precedent that would make it difficult to resist similar proposals in the future which cumulatively could result in the gradual erosion of and fragmentation of publicly accessible open space, which would not be in the public interest. Such an approach would be significantly detrimental to the character and amenity of those living and working in the surrounding area and would be contrary to the Qualities of Placemaking referred to in Policy D1 - Quality of Placemaking by Design of the Aberdeen Local Development Plan 2017 and the Qualities of Successful Places referred to in Policy 14 (Design, Quality and Place) of National Planning Framework 4, which seeks inclusive layouts and development and passive surveillance.

The proposal would therefore conflict with the principles Policies 14 (Design, Quality and Place) and 20 (Blue and Green Infrastructure) of National Planning Framework 4; H1 (Residential Areas) NE1 (Green Space Network), NE9 (Access and Informal Recreation) and D1 (Quality Placemaking by Design) of Aberdeen Local Development Plan 2017; Policies H1 (Residential Areas), NE2 (Green and Blue Infrastructure) and D1 (Quality Placemaking) of the Proposed Aberdeen Local Development Plan 2020; the aims of the Green Space Network and Open Space Supplementary Guidance”

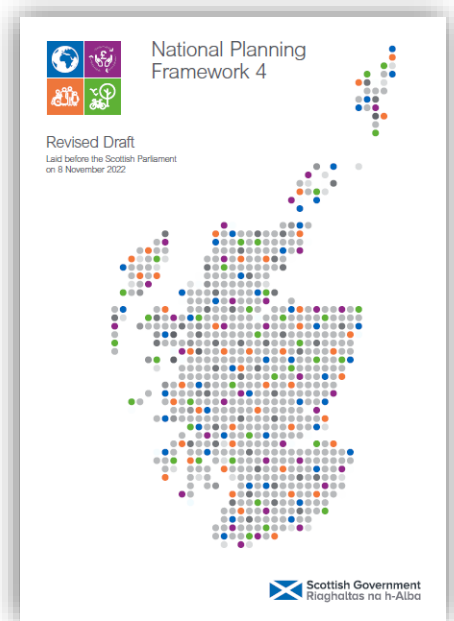
04

DEVELOPMENT PLAN CONTEXT

- 4.1. In determining planning applications, the Town and Country Planning (Scotland) Act 1997, as amended, requires planning authorities to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations (Section 37 of that Act).
- 4.2. At the date of determination, the development plan for the area comprised the new **National Planning Policy Framework 4 (NPF4)**, which was adopted on 13th February 2023 and the **Aberdeen Local Development Plan 2017 (LDP)**. However, the LDP was under review, with reference made in the refusal notice to the **Proposed Aberdeen Local Development Plan 2020**, which has now been adopted and becomes the **Aberdeen Local Development Plan 2023**.

NATIONAL PLANNING POLICY FRAMEWORK 4

- 4.3. NPF4 (**Document LAW12**) was adopted on 13th February 2023 (after the submission of the application) and now forms part of the statutory development plan, incorporating Scottish Planning Policy to form a single document. NPF4 therefore brings together the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies aimed at improving people's lives by making sustainable, livable and productive places. NPF4 will play a key role in delivering the United Nations Sustainable Development Goals, as well as the Government's national outcomes.



- 4.4. It contains 6 overarching spatial principles on **Just transition; Conserving and recycling assets; Local living; Compact urban growth; Rebalanced development; and Rural revitalisation**. These core principles will guide the planning of Scotland's future places which will be net zero, *nature-positive* places, designed to reduce emissions and adapt to the impacts of climate change, whilst *protecting, recovering and restoring our environment*.

- 4.5. **NPF Policy 14** related to Design, Quality and Place is referred to in the refusal notice. It requires that development proposals are designed to improve the quality of an area. Development will be supported where they are consistent with the six qualities of successful place. This includes being healthy, pleasant, connected, distinctive, sustainable and adaptable.
- 4.6. The intent of **NPF Policy 20** on Blue and Green Infrastructure is that blue and green infrastructure and their networks are protected and enhanced. They are an integral part of early design and development processes; are designed to deliver multiple functions including climate mitigation, nature restoration, biodiversity enhancement, flood prevention and water management.
- 4.7. Development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal *would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained.*

ABERDEEN LOCAL DEVELOPMENT PLAN 2017

- 4.8. At the time of refusal, the Aberdeen Local Development (LDP) 2017 (**Document LAW13**) was the relevant policy document. A review of that Plan commenced in 2018 and the Proposed Aberdeen Local Development Plan was published in 2020 (**Document LAW14**), with the Plan adopted on 19th June 2023. The refusal notice refers to the 2017 LDP and the 2020 Proposed Plan, which are similar, but any changes will be addressed in turn.
- 4.9. **Policy H1: Residential Areas** of the 2017 LDP supports proposals for new development and householder development if it does not constitute overdevelopment; does not have an unacceptable impact on the character and amenity of the surrounding area; does not result in the loss of valuable and valued areas of open space as defined in the Aberdeen Open Space Audit 2010; and complies with Supplementary Guidance. This policy was carried forward into the Proposed LDP 2020 and the adopted LDP 2023, albeit with some minor policy wording changes.
- 4.10. The 2017 **LDP Policy NE1: Green Space Network** sets out to protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network. Proposals that are likely to destroy or erode the character and/or function of the Green Space Network will not be permitted. The 2020 Proposed Plan and the adopted 2023 LDP contains policy on the Green Space Network within **Policy NE2: Green and Blue Infrastructure**, but the requirements remain the same.
- 4.11. **Policy NE9: Access and Informal Recreation** of the 2017 LDP states that new development should not compromise the integrity of existing or potential recreational opportunities including general access rights to land and water, Core Paths, other paths and rights of way. Wherever possible, developments should include new or improved provision for public access, permeability and/or links to

green space for recreation and active travel. This policy is contained within Policy **NE2: Green and Blue Infrastructure** of the Proposed LDP 2020 or the adopted 2023 LDP under 'Outdoor Access and Core Paths' and the requirements remain unchanged.

- 4.12. **Policy D1: Quality Placemaking by Design** of the 2017 LDP is referred to in the refusal notice. This provides requirements related to design and sense of place, quality architecture, craftsmanship and materials. It also provides the six qualities of successful place that proposals are considered against, including being safe and pleasant. The Proposed LDP 2020 updates this to **Policy D1: Quality Placemaking**. Proposals are required to ensure quality architecture, craftsmanship and materials; a well-considered layout, including biodiverse open space, high quality public realm and landscape design; and a range of sustainable transportation opportunities ensuring connectivity commensurate with the scale and character of the development.
- 4.13. The refusal notice also makes reference to **Green Space Network and Open Space Supplementary Guidance** (SG). However, from the date of adoption of the Aberdeen Local Development Plan 2023, SG has fallen and will be replaced by **Open Space and Green Infrastructure Aberdeen Planning Guidance** once revisions are made in response to the consultation that took place earlier this year. These documents hold limited weight until they are adopted by Council at a future date. The weight to be given to the Interim Planning Guidance prior to its adoption is a matter for the decision maker.
- 4.14. The **Green Space Network and Open Space Supplementary Guidance (Document LAW13)** which formed part of the 2017 LDP assisted in assessing and demonstrating compliance in enhancing and improving green infrastructure to create useful, sustainable and well used places. It acknowledged that the GSN is identified to protect, promote and enhance designated natural heritage sites, connectivity between habitats, open spaces and opportunities to the outdoors. Also, that Aberdeen's Open Space Audit 2010 identified a need for higher quality and more accessible open space, rather than simply extra quantitative provision. However, it also took into account the distribution of existing open spaces and their relationship with existing communities. Therefore, the approach to identifying the exact level and mix of open space requirements should be flexible and responsive to the level of existing provision, and its quality and accessibility.
- 4.15. The Council's **Open Space Strategy (2011-2016) (Document LAW15)** referred to in the 2017 LDP sought to create, protect and enhance open spaces and the linkages to each other. However, it also identified that there are management and maintenance issues related to open spaces and concerns over the protection of open spaces. It therefore considered new ways of maintaining open spaces. The **2010 Open Space Audit (Document LAW16)** identifies that the Hazlehead area is well provided for in terms of open space provision and has the largest concentration of parks than anywhere else in the City.

- 4.16. The updated **Open Space and Green Infrastructure Interim Aberdeen Planning Guidance (Document LAW14)** carries forward advice from the Green Space Network and Open Space Supplementary Guidance. However, it is to be informed by a review of the Open Space Audit 2010 which has not yet been completed. Further details are therefore unavailable at this time and the weight given to it in the determination of this appeal is limited.
- 4.17. Given the age of the Open Space Strategy, Open Space Audit and the fact that the review of the Open Space Audit has not yet been completed to inform the Aberdeen Planning Guidance, the validity of these documents as a reason for the refusal of this appeal is challenged.

05

GROUNDS OF APPEAL

- 5.1. At the outset, the requirement for the planning application is questioned. Prior to the submission of the application, it was argued that planning consent was not required due to the fact that the land would remain as open space, which has since been planted with a significant amount of trees, at the appellant's own cost. This is similar to the position taken in relation to the amenity space adjacent to no. 14 and 15 Craighden. The Council confirmed in that instance that, under Section 26 (2) (e) of the Town and Country Planning (Scotland) Act 1997 that the formation of allotments would not constitute development as it falls under 'agriculture' and as such, permission was not required. A subsequent application for access and a bike shed on that land, acknowledged that this would result in some loss of open space, but this was considered acceptable. That application was approved at appeal as the loss of green space as a result of the proposal would be minor and sufficient amenity space would continue to be provided for residents of Craighden. A similar position exists in this instance.
- 5.2. Section 26 (2) (e) of the Town and Country Planning Act allows for the use of the land for agriculture or forestry without the need for planning consent. In this instance, given that the land is to remain as open space, with some 30 trees planted to protect residential amenity, it is argued that this could be considered as falling under the definition of forestry. As a result, it is argued, that planning permission was not necessary as the use of the site would not constitute development.
- 5.3. Further to this, it is important to emphasise that the appeal site is owned by the appellant, but it is held in a separate title from the appellant's residence at 6 Craighden and therefore forms no part of the private garden ground of that property. The appellant wants to emphasise that the purpose of the fence is not to extend their garden, or to deny the Craighden residents access to an area of their amenity land.
- 5.4. Entry 7.1 (ii) of the Title (**Document LAW04**) of the land confirms that as Burdened Proprietors, the appellant "*shall be entitled at all times to use the said areas of woodland for such purposes as they in their sole discretion, but acting at all times in accordance with generally prevailing principals of good silviculture practice, consider are necessary or appropriate as being ancillary to the maintenance and/or management of said woodland*". This supports the contention that the land could be considered as forestry in terms of being exempt from the requirements to apply for planning permission.

- 5.5. As there has been a history of vandalism and antisocial behaviour in the area (comprising youths accessing the site, dropping and leaving litter, damaging trees and fences and setting fires) the appellant, as Burdened Proprietor considered it necessary to enclose the area to protect it (as well as the 30 new trees) from vandalism. This was considered appropriate in conformity with their title deeds.
- 5.6. The area of ground will remain as open space and is accessible to all property owners at Craighden from a footpath along the North Burn of Rubislaw, through a gate on the southern boundary. This is accessible by a combination lock, to which all owners have access and clearly demonstrates that the land under consideration is a fenced area of open space for use by the residents of Craighden. The sole purpose of the fence was to protect that area and new planting from vandalism. Sufficient amenity space therefore continues to be provided for residents.
- 5.7. Nevertheless, an application was submitted for the change of use from open space to a private gated communal garden and associated enclosure fence with gate, as requested by Aberdeen City Council. This Grounds of Appeal Statement will consider the change of use of the open space and the associated fence in turn, responding to issues raised in the refusal notice.

PRINCIPLE

- 5.8. The appeal site is identified in the Aberdeen Local Development Plan 2017 (and the 2020 Proposed Plan and adopted 2023 LDP) as a residential area under policy H1. **Policy H1: Residential Areas** states that within existing residential areas, proposals for new development and householder development will be approved in principle if it meets a number of criteria:

It does not constitute overdevelopment

There is no development proposed on the site other than the erection of the fence. That fence is required to prevent antisocial behaviour on the site. As such, the proposals do not constitute overdevelopment. This is accepted by the planning officer in their Report of Handling (**Document LAW17**).

It does not have an unacceptable impact on the character and amenity of the surrounding area

As there is no built development proposed on the site, there is no impact on the character and amenity of the surrounding area in line with Policy H1. The fence is addressed in more detail below, but as it mirrors the existing fences to the rear of no's 5, 6 and 7 Craighden, it sits well on the site, with no detrimental impact on the character and amenity of the area.

In fact, the aim of the fence is to allow the new trees to become established, free from the threat of vandalism. The fence is therefore essential in improving the character and amenity of the surrounding area and quality of the neighbourhood, fully in compliance with this policy.

The reason for refusal states that the loss of the area of open space adversely affects the character and amenity of those living and working in the surrounding area. This is not accepted and has very little regard for the issues experienced by those living in the immediate vicinity of the land, especially the occupants of No. 5, 6 and 7 Craighden. The failure to support the efforts to allow the trees planted by the appellant to become established will significantly affect the character and amenity of the properties next to the appeal site and will simply allow opportunities for vandalism and littering in the area again. This will surely be to the detriment of the character and amenity of the surrounding area.

It does not result in the loss of valuable and valued open space

The text within the reason for refusal states that the change of use has resulted in the loss of a *valued* area of open space. This is refuted. Although the land is open, green space, it is not accepted that it has any significant value in terms of use by the wider population of Aberdeen. This was exacerbated by the previous removal of trees, vandalism, littering and anti-social behaviour experienced on the site, which was to the detriment of this area. This is supported by a representation from someone in the area which stated *“The area was historically a piece of wild impenetrable bramble and fallen timber filled with massive amounts of rubbish discarded from the bridge. A total mess”*. The only efforts to improve the open space has been by the appellant. This land would have been kept open by them, but the fence is considered essential in protecting the land and trees from vandalism, to ensure the area of open space is maintained to a high standard. There needs to be a balance in allowing those in the vicinity to access it while keeping out unwanted behaviour, which is destroying the value of this area of open space.

As recognised in the refusal notice, this area was *“required as part of the open space provision requirements in the planning permission for residential development”*. It is therefore argued that it has more of a local value to those properties. This will not change as a result of the approval of this appeal. The appeal site will remain as open space provision for the residential development at Craighden, accessible to all property owners from a footpath along the North Burn of Rubislaw, through a gate on the southern boundary. This is controlled by a combination lock, to which all owners have access. This clearly demonstrates that the land under consideration remains an area of open space for use by all residents, similar to the original purpose of the land. The only difference is that it becomes a fenced area, which improves the area of land.

Further to this, open space is defined as the open, usually green land within and on the edges of settlements. This includes, parks, public gardens, allotments, woodland, play areas, playing fields, green corridors and paths, churchyards and cemeteries, natural areas, institutional land as well as civic space such as squares or other paved or hard surfaced areas with a civic function.

This confirms that open space can take many forms and it is argued that a private gated communal garden, planted with a significant amount of trees, is considered to be appropriate, given the protection the fence provides to the open space in this

instance. As such, there is no loss of valuable or valued open space, as it will continue to function as open space as initially intended.

It complies with Supplementary Guidance

Supplementary Guidance associated with the 2017 LDP is no longer relevant and the Interim Aberdeen Planning Guidance and Supplementary Guidance associated with the new LDP is still in draft form. It therefore has limited weight and the validity of these documents as a reason for the refusal of this appeal is challenged.

In any case, the requirement to comply with Supplementary Guidance in relation to **Policy H1**, relates to built development on the site. As stated above, there is no built development (other than the fence), therefore, Supplementary Guidance in this instance is not applicable. It is therefore argued that the proposals comply with **Policy H1** of the Local Development Plan.

- 5.9. The Proposed Plan (and subsequently the adopted 2023 LDP) updated the wording of Policy H1 slightly. The requirement to not constitute over development remains, but the statement that it must comply with Supplementary Guidance is removed. The remaining requirements are that the proposals do not have an adverse impact on residential amenity and the character and appearance of an area; and does not result in the loss of open space. The above assessment is considered to remain relevant to the Proposed and Adopted LDP and the proposals continue to comply with **Policy H1** of the LDP.

LOSS OF OPEN SPACE/GREEN SPACE NETWORK

- 5.10. The land under consideration, as well as some land in the built up areas in the vicinity, is also covered by a Green Space Network (GSN) designation, understood to be due to its proximity to the North Burn of Rubislaw, which lies outwith the site to the south. **Policy NE1: Green Space Network** of the 2017 LDP states that the Council will protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the GSN. Proposals for development that are likely to destroy or erode the character and/or function of the GSN will not be permitted.
- 5.11. The proposals will have no detrimental impact on the wildlife, recreation, ecosystem and landscape value of the GSN. In fact, the fence is considered essential in protecting and improving this part of the GSN, by keeping out unwanted behaviours that are seeking to destroy the land and biodiversity in this area, which will thereby protect the area from vandalism. This is supported by letters of representation which state that *“Since it’s transferred into private control it is superb, well maintained and a great amenity to our community”*. Also, that *“the fence and associated landscaping has resulted in a much tidier area and is a welcome initiative given the previous; dumping, vandalism and general untidiness”* and that the *“area has been improved tremendously, with numerous trees and shrubs being planted of the site”*. Further to this, the appellant has refrained from cutting the grass in order for the land to “rewild”, which subsequently increases the

biodiversity value of this area in line with **NPF4** which seeks to create “*nature positive places*” while “*protecting, recovering and restoring our environment*”.

- 5.12. The intent of **NPF4 Policy 20 Blue and Green Infrastructure** is that blue and green infrastructure and their networks are protected and enhanced and that they are designed to deliver multiple functions, including nature restoration and biodiversity enhancement. The failure to support this appeal will leave this area open to abuse and will consequently have a detrimental impact on the wildlife, ecosystem and landscape value of the area, contrary to the requirements of **NPF4** and **Policy NE1** of the 2017 LDP. The fence will keep out those that are seeking to destroy nature restoration and biodiversity in this area and ensure the land is enhanced in line with the aim of **NPF4** and **Policy 20**. The proposals are therefore considered to improve the GSN in this location, contrary to the reasons within the refusal notice. A balance needs to be found between allowing access to those in the vicinity and protecting the area and the approval of this appeal will achieve that in line with **NPF4** and **LDP** Policy.
- 5.13. Policy on GSN is contained within **NE2** of the Proposed Plan 2020 (and Adopted 2023 LDP) and renamed **Green and Blue Infrastructure**. Again, the wording is similar and the response to the GSN above is also appropriate in response to the Proposed Plan (which has now been adopted) to which this application also complies.
- 5.14. The reason for refusal states that the proposal reduces the access and recreation value of the Green Space Network, which is not in the public interest in terms of enhancing access to high quality open space. While access and recreation is considered under Policy NE1 of the 2017 LDP, **Policy NE9: Access and Informal Recreation** also provides further policy guidance on this. It requires that new development should not compromise the integrity of existing opportunities, including general access rights to land, core paths and rights of way. This also becomes **Policy NE2: Green and Blue Infrastructure** in the Proposed Plan which contains a section on outdoor access, with the requirements the same as Policy NE9.
- 5.15. In the first instance, it is argued that, given the previous state of the land as a “*piece of wild impenetrable bramble and fallen timber filled with massive amounts of rubbish discarded from the bridge*” (as stated in a letter of representation), it was never accessed by the wider public as an area of high quality open space, or for health and wellbeing purposes. The land will continue to be accessible to residents in the area, via a combination lock on the gate in the fence, to which all residents at Craighden have access. This is consistent with the original function of the space as part of the open space requirements for the residents at Craighden and there will, therefore, be no loss of open space in the vicinity. The only difference the fence would bring, is that it is not accessible to the wider general public. However, providing access to the wider public in the past, has had a detrimental impact on the open space and the trees planted in the area. The approval of this appeal therefore prevents that detrimental impact and protects the amenity of the area for those most impacted.

- 5.16. The **Green Space Network and Open Space Supplementary Guidance** referred to in the reason for refusal is considered to carry minimal weight in the determination of this appeal as it is based on the 2010 Open Space Audit which is currently being updated and will inform the Open Space and Green Infrastructure Aberdeen Planning Guidance in due course.
- 5.17. Nevertheless, an assessment of it will be made for the purpose of this appeal. The **Green Space Network and Open Space Supplementary Guidance** acknowledges that the GSN is identified to protect, promote and enhance designated natural heritage sites, connectivity between habitats, open spaces and opportunities to the outdoors. It acknowledges that Aberdeen's **Open Space Audit 2010** has identified a need for higher quality open space, rather than simply extra quantitative provision, however, it also takes into account the distribution of existing open spaces and their relationship with existing communities. Therefore, the approach to identifying the exact level and mix of open space requirements should be flexible and responsive to the level of existing provision, and its quality and accessibility.
- 5.18. With regard to wider public access of open spaces in the area, there is a network of Urban Green Space along the North Burn of Rubislaw in the immediate vicinity of the site, including an established public pathway, which sits well outside the appeal site. The **Open Space Audit 2010** acknowledges that the Hazlehead area is well provided for open space and has the largest concentration of parks and open space than anywhere else in the City. This includes Hazlehead Park, the largest park in Aberdeen extending to 180 hectares. The proposals therefore cause minimal impact on the GSN and the overall integrity is therefore maintained in line with policy requirements.
- 5.19. The appeal site does not provide any significant value other than an area of open space behind the properties at Craighden, to which all owners in that development still have access. The Council's **Open Space Strategy** looks to create, protect and enhance open space provision and link spaces to each other. It is argued that the fencing of the appeal site does not block any through route to further open space in the area and no core paths are affected by the fence and subsequent change of use. Open space in the vicinity, outwith the appeal site, is considered to be more valuable for the general public to access and as there is adequate provision elsewhere, the impact of losing access to this site is considered to be negligible to the wider public. **NPF Policy 20** allows the net loss of green infrastructure if it would not result in or exacerbate a deficit of green infrastructure provision overall. It is argued that the proposals would comply with that policy while ensuring the green space behind the houses is protected and the integrity of the land is maintained, thus benefitting those in the immediate vicinity to access high quality open space.
- 5.20. The Council's **Open Space Strategy** identifies that there are management and maintenance issues related to open spaces and concerns over the protection of these spaces. It therefore considers new ways of maintaining open spaces, with

an acknowledgement that more natural management of open spaces are required. The fence erected by the appellant would meet that requirement by protecting this area of open space, the cost of which has been borne by the appellant. It also allows the potential for a more natural management of this land once the trees have become established, which would allow the potential for the fence to be removed.

PRECEDENT

- 5.21. It is not accepted that the approval of the appeal would give rise to the setting of a precedent that would make it difficult to resist similar proposals. It is stated in the refusal notice that such an approach would be significantly detrimental to the character and amenity of the those living and working in the surrounding area.
- 5.22. Again, this statement completely fails to acknowledge the consequences of not permitting the proposals, on the people living nearest to the site. As stated throughout this statement, the appellant has been subjected to significant littering and occasional vandalism, including objects, such as cans, bottles, and golf balls, being thrown into their garden and at their house from the bridge. The planting of trees on the appeal site has provided better screening from the bridge vandals and in turn, significantly improved the character and amenity of the area for the appellant and their neighbours. Unfortunately, these trees have also been the target of vandalism, resulting in several of the new trees being damaged and set on fire. It has been a regular struggle to keep the area maintained and not allow it to turn into a dumping ground.
- 5.23. The provision of the fence will keep out this unwanted behaviour and allow the trees to establish to provide protection to this area of GSN. In turn, this significantly improves the character and amenity for those living in the area, contrary to the assumption in the refusal notice. Each proposal needs to be decided on its own merits at that time. As emphasised throughout this statement, the space will remain accessible open space to the residents in the area, reflected in the fact that the application title (created by the planning officer) recognises that the area will remain as “communal”, which by its definition is that it is “shared by all members of a community” or “for common use”.
- 5.24. The only change is that it is not accessible to the wider public. However, allowing access to the wider public has had a detrimental impact on the quality and biodiversity of this area of open space. Past history suggests that fencing this area benefits not only the area of open space/GSN, but also those that live in the vicinity. It is therefore argued that the slight loss of access to this area to the wider public is negligible when considering the improvements that the fence can provide in protecting this area of open space. There is also an abundance of high quality open space and recreation opportunities along the North Burn of Rubislaw and at Hazlehead Park for the wider public to access which would ensure access to high quality open space, to improve their health and wellbeing is not compromised.

- 5.25. In this case, Aberdeen City Council appear to confirm, through the refusal of the application, that the accessibility of the (previously poor quality) site for the wider public seems to be more important than protecting the character and amenity of the appellant and their neighbours which is unacceptable.

BOUNDARY ENCLOSURE

- 5.26. In relation to the fence itself, Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (GDPO) provides details of permitted development and is split into parts. Part 2 deals with Sundry Minor Operations and Class 7 permits *“the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure”*.
- 5.27. Part b) outlines that any gate, fence, wall or other enclosure that is above 2m would require planning permission and part a) outlines that if the gate, fence, wall or other enclosure is within 20m of a road, planning permission is required if the enclosure exceeds 1m. There is a road/bridge that lies to the west of the site, but in this instance it sits 20m above the application site, not adjacent to it.
- 5.28. It is argued that the requirement for planning permission within 20m of a road is related to road safety considerations. However, the road is not immediately adjacent to the application site, but sits at a considerable height above the site/fence. The height of the fence at this location, sitting below the road, does not lie within any visibility splays and therefore has no impact on the functioning or safety of the road. In fact, there is a similar sized fence that sits along the roadside to the north of the site which would have more of an impact on the road. If that fence has been deemed to be acceptable, then the fence surrounding the site should also be considered acceptable, given that it sits further from the road/bridge.
- 5.29. A fence of 1.8m in height would normally be permitted under the GPDO. Considering that the road has no direct relationship with the fence in this case, it therefore has no impact on the safe functioning of the adjacent road and this appeal should grant permission for it.
- 5.30. Further to this, it has no detrimental impact on the residential area under **Policy H1: Residential Areas**. It does not constitute overdevelopment as it is only along two of the site boundaries and of a similar height to existing boundary enclosures in the area and therefore sits well in the context of the site. It does not have an unacceptable impact on the character and amenity of the surrounding area and again, as it is similar to existing fences in the area. Finally, it does not result in the loss of valuable and valued open space, as open space is retained, albeit in a slightly different. As already argued, the fence actually protects this land and ensures this area of open space can continue to function as open space for the occupants of properties at Craighden.

- 5.31. In relation to the GSN, as stated above, the fence is considered essential in protecting the land and trees from vandalism, which itself impacts the wildlife, ecosystem and landscape value of the area. The fence is therefore considered to improve the GSN in this location by keeping out unwanted behaviours that are seeking to destroy the land and biodiversity in this area. A balance needs to be found between allowing access to those in the vicinity and protecting the area and this application achieves that, while complying with the requirements of **Policy NE1: Green Space Network** of the 2017 LDP as well as the **Policy NE2: Green and Blue Infrastructure** of the 2020 Proposed Plan (now adopted).
- 5.32. With regard to design, the refusal notice states that the proposal is contrary to Policy **D1: Quality Placemaking by Design** of the 2017 LDP and **Policy 14: Design, Quality and Place** of the NPF4. The Report of Handling (**Document LAW17**) uses these policies to determine the effect of the proposal on the visual amenity of the area. The Council accept that the fence corresponds visually in height and materials with the existing boundary fencing and it aligns with the southern boundary line of No. 7 Craighden. It is also accepted that the detailing of the fence does not detract from the visual amenity of the surrounding area and in this regard complies with **Policy D1** of the LDP.
- 5.33. However, the refusal notice states that the proposals are considered to be contrary to the Qualities of Placemaking as referred to in **Policy D1** of the 2017 LDP and Proposed Plan 2020 and the Qualities of Successful Places referred to in **NPF4 Policy 14** which seek inclusive layouts and passive surveillance. However, the 'safe and pleasant' requirement for natural surveillance is not included in **NPF4 Policy 14**. It is therefore not accepted that this is an acceptable reason for refusal. The open space has always been to the rear of the properties and was therefore not originally designed to be inclusive, with opportunities for passive surveillance minimal. This may explain why vandalism and anti-social behaviour has been so prevalent on the site in the past. The fence is therefore required as a result of the approved design of the development, to prevent access to the very people that have been vandalising the site which makes the space safer for the local community that can access it. The requirement for natural surveillance is therefore reduced as the land is protected by the fence until such time that the trees can become established.

06

RESPONSE TO REPRESENTATIONS

6.1. A total of six representations were received by members of the public during the application process, with 2 objections, and 4 in support. It is noted that the two objecting were not from the locality.

6.2. The letters of support made the following comments:

“the improvement this has made to the local community. The previous owner had no interest in preserving the green space in this neighbourhood and this solution has not only enhanced the amenity area by taking some action against nuisance but also guarantees appropriate maintenance of the site such that it will make a positive contribution to the community going forward. On top of this by making it clear that access is available to neighbours, the applicant has demonstrated their commitment to maintaining the community amenity. This is a positive contribution to the area”.

“The area was historically a piece of wild impenetrable bramble and fallen timber filled with massive amounts of rubbish discarded from the bridge. A total mess. The developer who bought it hoping to develop it cut down all the trees but left all the rubbish. Since it's transferred into private control it is superb, well maintained and a great amenity to our community”

“The fence and associated landscaping has resulted in a much tidier area and is a welcome initiative given the previous; dumping, vandalism and general untidiness of the site”.

The area in question comparing it with the surrounding area has been improved tremendously, with numerous trees and shrubs being planted. Out with the fenced area the ground is untidy and unkempt with evidence of fly tipping and general litter. I am fully supportive of the efforts and changes made to enhance area”.

6.3. A response to the issues raised in the letters of objection are provided below:

“the area does not belong to the community this land belongs to the city council”

This is incorrect. The land does not belong to the Council. It was purchased by the appellant in 2019 with a view to protecting the area from vandalism.

“it is for public use this area should never be lock off from anyone”

This land is still available for use by the owners of the houses at Craighden who have access to the gate. It therefore retains some public use, while protecting the open space. Prior to this, the land was not particularly valuable piece of open space given it was wild impenetrable bramble and fallen timber filled with large amounts of rubbish discarded from the bridge. It is argued that the public never used it as active open space.

“if this resident is that concerned about vandalism he could installed security cameras”

Unfortunately, this would not stop the vandalism and damage to the trees that has occurred.

“green area's outside our property and it is for wild life and the general public to enjoy”

The land is still green areas surrounding the property, with planting and therefore opportunities for wildlife have been enhanced. The land is still available for the owners of properties at Craighden to utilise. It is argued that the general public never ‘enjoyed’ this area of open space, given it was not particularly attractive with the amount of litter that accumulated.

“inappropriate height and location of the fence”

The height of the fence is not considered inappropriate and matches the boundary enclosure of the rear gardens of properties at 5, 6 and 7 Craighden.

“The location of the fence is also not inappropriate”

Its location is required to protect this area of land from vandalism and surrounds the land owned by the appellant. It does not block any core paths in the vicinity and does not affect the path along the North Burn of Rubislaw.

“impact on the streetscape and residential amenity”

There is very little impact on residential amenity. In fact, it is argued that it protects residential amenity. Given the location of the site under the bridge, the only properties it impacts are the owners of no. 5, 6 and 7 Craighden who are fully supportive of the fence to protect this area from vandalism. It therefore goes a significant way in protecting their residential amenity.

Similarly, there is little impact on the streetscape. It is barely seen from any street in the vicinity and takes the appearance of standard garden fence along two boundaries. The existing fence along the third boundary was already in position prior to the erection of this fence. It is therefore not accepted that there is any impact on streetscape or residential amenity.

“loss of public open space”

The land is retained as open space for the benefit of the owners of the properties of Craighden who all have access to it. Given the location of the site, it is not a well-used area of open space that is frequented by members of the public, other than those that vandalise it. The fence therefore protects the area of open space.

07

CONCLUSION

- 7.1 In the first instance, it is argued that an application for the change of use was not necessary. No change of use for the allotments to the north of No. 14 and 15 Craighden was required as that use did not comprise development as it fell under the definition of agriculture as detailed in Section 26 (2) (e) of the Town and Country Planning (Scotland) Act 1997. That same section identifies that “forestry” is not development and therefore would not require planning permission. Given the number of trees planted, it could be argued that the proposals for the appeal site do not need permission for change of use. In addition, no change of use has occurred as the site remains as open space for the benefit of the residents of Craighden, in compliance with its original form when it was first created as part of the open space requirements of that development.
- 7.2 Nevertheless, the intent of policy on open spaces is to protect, promote and enhance these areas. The site has been the subject of antisocial behavior in the past (supported by the neighbours who have submitted representations), which has resulted in the damage this area of open space, including the trees that have been planted by the appellant to protect their residential amenity. The fence will allow the trees to establish without the threat of vandalism, thereby improving this area of Green Space Network.
- 7.3 In terms of access to the area of open space, this can still be accessed by the residents of Craighden for the purposes that it was initially required. The only difference is that the wider public are not able to access it. However, it has been argued that due to the state of the site, it was never accessed by the wider public, other than for anti-social reasons and this slight change in accessibility is considered appropriate to protect this area from the issues it has faced. There will be a negligible impact on the ability of the wider public to access open space in the vicinity, given the abundance of open space nearby, including the North Burn of Rubislaw Public Open Space and Hazlehead Park, the largest public park in Aberdeen. The loss of the wider public’s ability to access it, is outweighed by the benefits that the fence brings to the protection and enhancement of the Green Space Network in this location.
- 7.4 NPF4 aims to create nature positive places and encourages the restoration of the environment which would be the case through these proposals. Policy 20 allows the net loss of green infrastructure if it would not result in or exacerbate a deficit of green infrastructure provision overall. There would be no net loss of open space in this instance given that the land will still function as open space. The proposals would comply with NPF4 Policy while ensuring the green space behind the houses is protected and the integrity of the land is maintained.

- 7.5 The appellant has acted in good faith to protect this area of open space. They have tried to follow planning processes, by approaching the Council for pre-application advice and when that was not forthcoming, they sought the advice of their lawyers in relation to the works. Their sole aim is to protect this area (and their residential amenity) from antisocial behaviour and vandalism, but they are disappointed that there appears to be no room for common sense or any appreciation for residents who are prepared fund works to help improve their community.
- 7.6 It is therefore respectfully requested that this appeal grants planning consent for the change of use of this open space to a community garden as well as the 1.8m boundary enclosure. If the Local Review Body is in any doubt as to the merits of this proposal, it is suggested that a site visit is arranged prior to any determination of the appeal, to allow the site to be viewed in context.
- 7.7 If that is not acceptable, the appellant would be happy accept a temporary approval, or a condition seeking the removal of the fence once the trees have matured when they are less susceptible to anti-social behaviour.

EDINBURGH

7 Exchange Crescent
Conference Square
EH3 8AN
0131 225 6612

GLASGOW

ONYX, 215 Bothwell Street
G2 7EZ
0141 204 3838

ABERDEEN

The Capitol, 431 Union Street
AB11 6DA
01224 588866

LEEDS

3rd Floor Carlton Tower
34 St Pauls Street
LS1 2QB
0113 243 6777

LONDON

4th Floor Langham House
302-308 Regent Street
W1B 3AT
020 7436 1212

MANCHESTER

2nd Floor
28 King Street
M2 6AY
0161 249 9778

Ryden



Pre-Application Advice Request Form

Please familiarise yourself with the Aberdeen City Council [pre-application protocol](#) prior to completing this form. If you have a query relating to your pre-application enquiry please contact us at the above e-mail address or by telephone on 03000 200292.

Please return by email to pi@aberdeencity.gov.uk or by post to the above address.

1 Your details

Applicant / Agent name: Are you an applicant or an agent?

Address:

Contact Tel No: Email:

2 Location of proposed development *(Please provide the address of the development site or building. If there is no known address, please identify/describe the location of the development site)*

3 The existing (or last known) use *(Please confirm the existing or last known use of the site)*

4 Description of proposal *(Please provide an accurate, detailed written description statement of the proposed development)*

TO PREVENT VADALISM AND ENSURE THE AREA IS MAINTAINED IN AN APPROPRIATE WAY, THE AREA WOULD BE HELD SEPARATE FROM MY PROPERTY AT #6 CRAIGDEN AND THERE WOULD BE NO CHANGE OF USE SOUGHT,

5 The sought form of pre-application advice (Please confirm how you wish to receive your pre-application advice. Please complete section 7 if you are requesting a meeting)

A Written Statement via Email A Written Statement via Post Via Meeting(s)

6 Plans and supporting information checklist (Please confirm which of the following information has been submitted with this pre-application request. At a minimum, a location plan, scaled layout plan (using typically 1:500/1:200/1:100) are required. Please see the pre-application protocol for further details)

Location plan	<input checked="" type="checkbox"/>
Scaled layout plan (using typically 1:500/1:200/1:100)	<input type="checkbox"/>
Elevation drawings	<input type="checkbox"/>
Sketches of the proposal	<input type="checkbox"/>
Trees on the site	<input type="checkbox"/>
Existing and proposed parking on site	<input type="checkbox"/>
Draft design statement	<input type="checkbox"/>
Photographs	<input type="checkbox"/>

7 Other information (Please provide any other information that you would like us to take into account when considering your proposal/request for advice. Please highlight here if any information should be exempt from a Freedom of Information Request under the Freedom of Information (Scotland) Act 2002.)

8 Date

11-4-2019

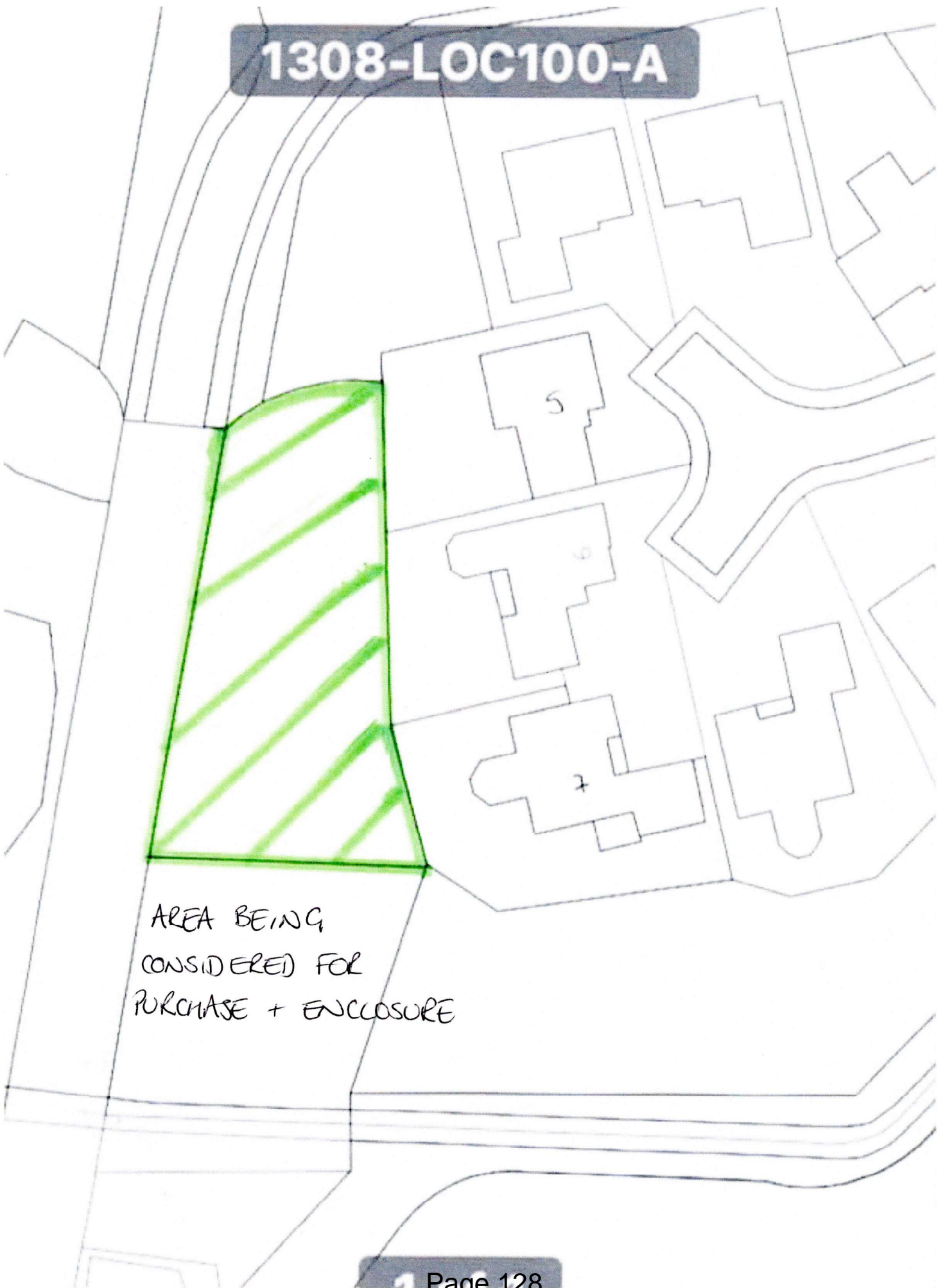


1095 Queens view GEL LC plan



→ WOODEND HOSPITAL.

CRAIGDEN ABIS BYW
6 OWNED BY APPLICANT



AREA BEING
CONSIDERED FOR
PURCHASE + ENCLOSURE

01224 522018

Document LAW02

Our Ref: ENF220116
Your Ref:
Contact: Stuart Morrice
E-mail: smorrice@aberdeencity.gov.uk
Direct Dial: [REDACTED]



ABERDEEN
CITY COUNCIL

23 June 2022

35 days = 28 July

David Lawrie
6 Craighden
Aberdeen
AB15 6YW

Strategic Place Planning
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

Tel: 01224 523470
Fax: 01224 523180
Minicom: 01224 522381
DX 529452, Aberdeen 9
www.aberdeencity.gov.uk

Dear Sir/Madam

The Town and Country Planning (Scotland) Act 1997

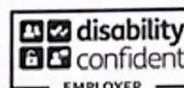
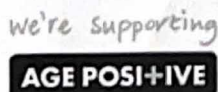
Location: Land To Rear Of 6 Craighden Aberdeen AB15 6YW,
Subject: Enclosing in public ground without planning permission
Case Ref: ENF220116 (to be quoted on all future correspondence)

I write in reference to the above where it has been brought to our attention that you appear to have enclosed an area of public open space immediately behind your property and are utilising the area as private garden ground. Please note that such works would require planning permission, however, as a search of our records confirms that no such consent has been sought or granted, the works are unauthorised and in breach of planning control.

You do of course have the option to submit a formal planning application to seek the view of the Planning Authority on obtaining the required 'retrospective' consents (i.e. 'change of use' of public open space to garden ground and associated boundary fencing) however, incorporating small areas of public open space into private garden ground is generally discouraged and your application is highly unlikely to be supported, but you still have the right to submit a formal application should you wish to do so.

In consideration of the circumstances as described and in order to rectify the situation, it will be necessary for you to either: -

DAVID DUNNE
CHIEF OFFICER STRATEGIC PLACE PLANNING



- Reinststate the public open space by removing any new boundary fencing. This work to be carried out and completed within **35 days** from the date of this letter.
- Arrange for a formal planning application to be submitted to this office for consideration to seek the view of the Planning Authority on obtaining the required retrospective consents (i.e. 'change of use' of public open space to garden ground & planning consent for the new boundary fencing) again within **35 days** from the date of this letter.

Information detailing how to submit a formal application can be obtained by visiting Aberdeen City Council's official website at :- www.aberdeencity.gov.uk. Alternatively, you may wish to employ the services of an Architect, Building Technician or other building related professional to submit a planning application on your behalf.

I trust the foregoing information is self-explanatory and would be grateful if you could confirm your intentions to me by email or phone as soon as possible. Please do not hesitate to contact me on my details noted at the top of this letter if you have any further queries or wish to discuss any of the above in more detail.

Yours faithfully



Stuart Morrice
Planning Inspector

Stuart Morrice
Strategic Place Planning
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

Our Ref: LAWR0001
Your Ref: ENF220116
Email: claire.coutts@ryden.co.uk

17th August 2022

Dear Mr Morrice

LAND TO THE REAR OF 6 CRAIGDEN, ABERDEEN, AB15 6YW

I refer to your letter dated 23rd June 2022 in relation to the above site. Mr Lawrie has now instructed Ryden to respond to that letter and progress any required retrospective application. In the first instance, it is considered important to provide a bit of background to the position in order to agree the way forward.

All of the property owners at Craighden were initially approached by the owner of the land to the rear of no's. 5, 6 and 7 Craighden and given the opportunity to purchase the land as part of a shared ownership arrangement. Not all owners were willing or able to proceed, therefore, Mr Lawrie decided to progress on his own in order to protect the area of land directly behind his property.

Mr Lawrie contacted the Council on 11th April 2019 (a copy of which is enclosed for your information) stating that he had been given the opportunity to purchase the land and his intention was to enclose that area to prevent vandalism and ultimately protect new trees that had been planted, to ensure the area is maintained in an appropriate way. He went on to highlight that the area would be held separately from his property at 6 Craighden, and would therefore not form part of his private property. Therefore, no change of use to private garden ground would be sought. No response was received from the Council and Mr Lawrie assumed that, given there was no change of use being sought, he could proceed with the boundary enclosure.

That enclosure is made up of a new 1.8m timber fence which extends along the southern and western boundaries only. It meets an existing granite retaining wall to the north of the site, with the eastern boundary formed by an existing 1.8m timber fence making up the rear garden boundary of no's 5, 6 and 7 Craighden. The fence has been erected to match existing boundary fences in the area and therefore sits well in that context and has done so for a number of years.

Edinburgh
0131 225 6612

Glasgow
0141 204 3838

Leeds
0113 243 6777

Dundee
01382 227900

London
020 7436 1212

Manchester
0161 249 9778

Aberdeen City Council contacted Mr Lawrie on 23rd June 2022, stating that *“you appear to have enclosed an area of public open space immediately behind your property and are utilising the area as private garden ground”*.

Mr Lawrie responded confirming that this assumption was incorrect and no change of use had taken place. Mr Lawrie attached the title sheet (dated 19 June 2019 and enclosed for your information) which highlighted the area of land purchased. This title demonstrates that the land under consideration is held in separate title from Mr Lawrie’s property at no. 6 Craighden and forms no part of the private garden ground of that property.

Entry 7.1 (ii) of the Title confirms that as Burdened Proprietors, Mr and Mrs Lawrie *“shall be entitled at all times to use the said areas of woodland for such purposes as they in their sole discretion, but acting at all times in accordance with generally prevailing principals of good silviculture practice, consider are necessary or appropriate as being ancillary to the maintenance and/or management of said woodland”*.

As there has been a history of vandalism and antisocial behaviour in the area (comprising youths accessing the site, dropping and leaving litter, damaging trees and fences and setting fires) Mr Lawrie as Burdened Proprietor considered it necessary to enclose the area to protect it, as well as the 30 new trees planted, from vandalism. This was considered appropriate in conformity with the title deeds.

It is important to reiterate that Mr Lawrie does not use this area as private garden ground. The private grounds of no. 6 Craighden are of ample size for that purpose and have a separate boundary enclosure. Mr Lawrie has not removed his existing boundary fence and it is very clear that the two areas are separate. Although the provision of a gate has been made from his garden, this is purely for ease of access for maintenance and the neighbouring properties at no. 5 and 7 could do similar.

The area of ground is accessible to all property owners at Craighden from a footpath along the North Burn of Rubislaw, through a gate on the southern boundary. This is accessible by a combination lock, to which all owners have access. This clearly demonstrates that the land under consideration is not private garden ground, but a fenced area of open space for use by all residents. It would have been left open, but the fence is considered essential in protecting the land from vandalism. It is considered to be a balance in allowing those in the vicinity to access it while keeping out unwanted behaviour. Mr Lawrie would be happy to remove the fence once the trees have matured when they are less susceptible to anti-social behaviour.

It is therefore maintained that no change of use is required for the area of open space and as such, the only issue to resolve is the erection of 1.8m timber fence along the southern and eastern boundaries. Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (GDPO) provides details of permitted development and is split into parts. Part 2 deals with Sundry Minor Operations and Class 7 permits *“the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure”*.

Within an email from yourself to Mr Lawrie in July 2022 you questioned what authority has the fence been erected if it does not form part of the private property. The Burdened Proprietors have acted in good faith to protect this area, permitted under the terms of their title as explained above. Further to this, Part 2 of the GPDO is not specific to residential properties and covers all boundary enclosures, including this. It is under this authority that the fence has been erected, even though it does not relate to the curtilage of a residential property.

Part b) outlines that any gate, fence, wall or other enclosure that is above 2m would require planning permission and part a) outlines that if the gate, fence, wall or other enclosure is within 20m of a road, planning permission is required if the enclosure exceeds 1m. The bridge that lies to the west of the site does lie within 20m of the site, which would technically require a planning consent for any fence above 1m, however, there are mitigating circumstances that should be considered in the determination of whether planning permission is required for the fence in this particular instance.

It is argued that the requirement for planning permission within 20m of a road is related to road safety considerations. However, the road is not immediately adjacent to the site, but sits at a considerable height above the site/fence. The height of the fence at this location, sitting below the road, does not lie within any visibility splays and therefore has no impact on the functioning or safety of the road. In fact, there is a similar sized fence that sits along the roadside to the north of the site which would have more of an impact on the road. If that fence has been deemed to be acceptable, then the fence surrounding the site should also be considered acceptable, given that it sits further from the road/bridge.

It is argued that enforcement action is completely at your discretion. A fence of 1.8m in height would normally be permitted under the GPDO and considering that the road has no direct relationship with the fence in this case, it is argued that it effectively does not lie within 20m of a road. As such, it is considered that the height of the fence (which is below 2m in height and has no immediate relationship with a road) is appropriate in this instance, without the need to apply for formal planning consent.

I would be grateful if you could confirm whether you support this position, or alternatively whether you would seek a retrospective application for the fence. I would be happy to discuss further should you require any more details.

Yours sincerely



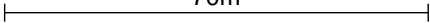


Claire Coutts
Associate

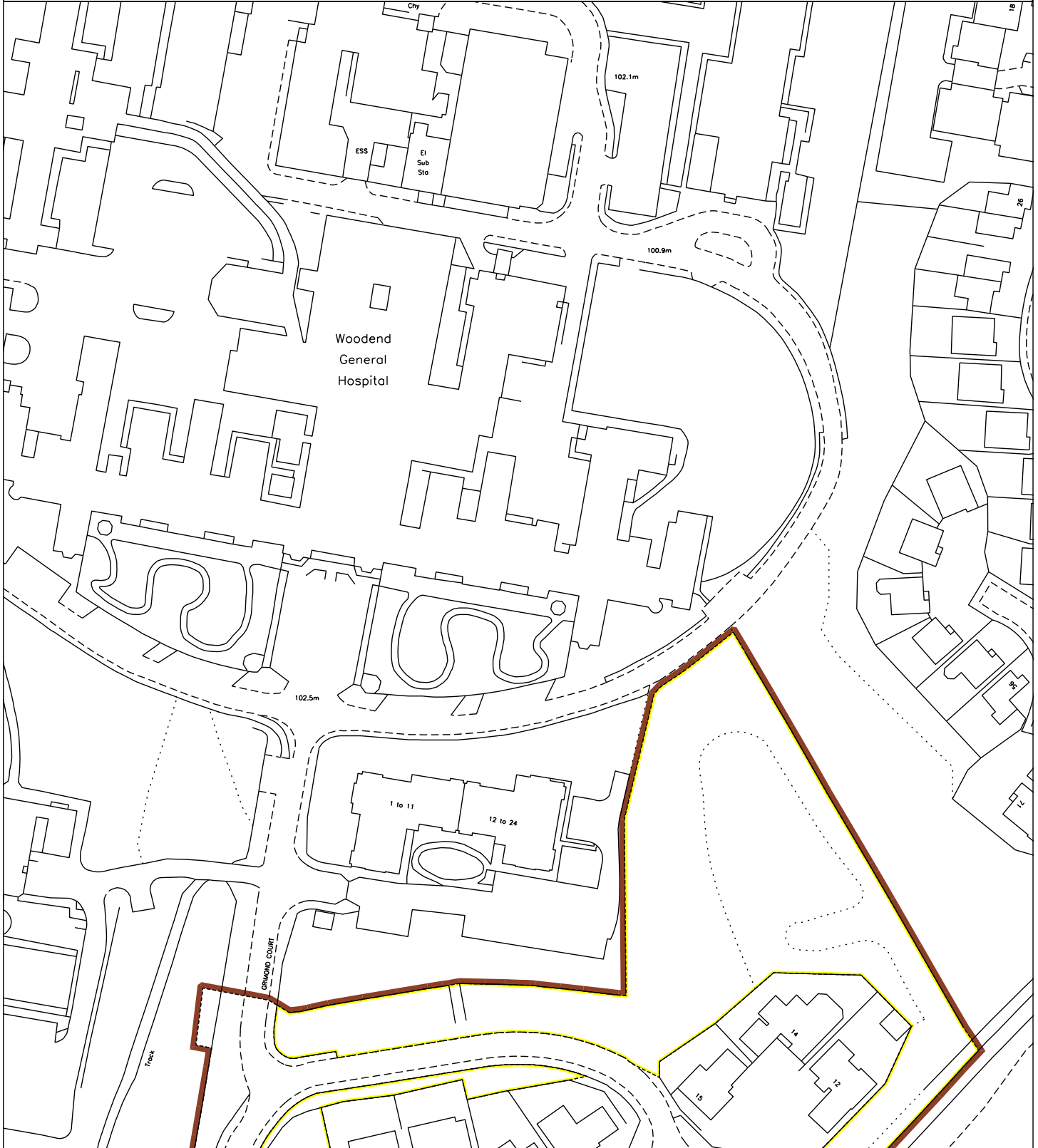
cc Mr David Lawrie

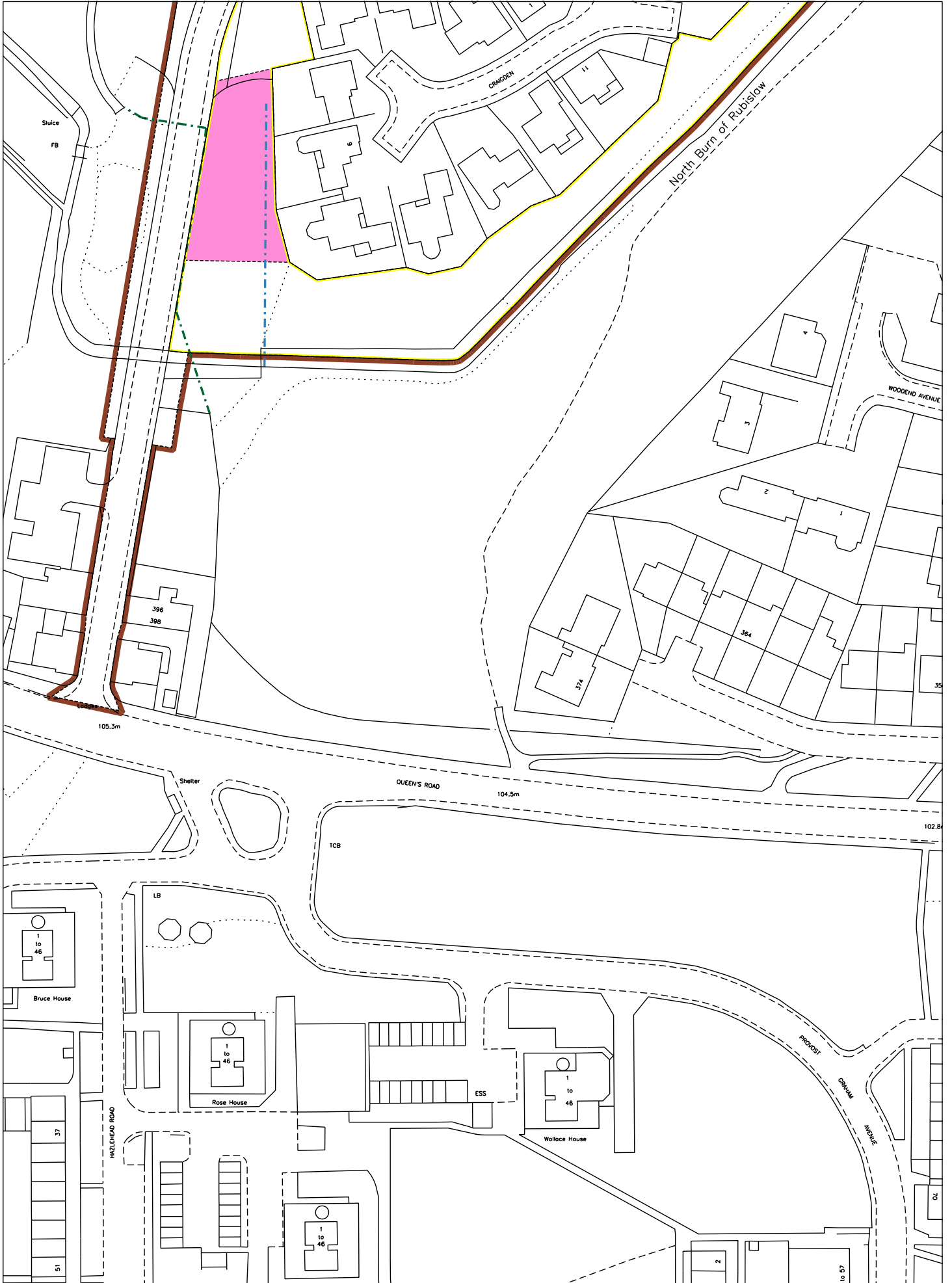
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 LAND REGISTER OF SCOTLAND	Officer's ID / Date	TITLE NUMBER
	5270 22/1/2020	ABN144219
	ORDNANCE SURVEY NATIONAL GRID REFERENCE	70m 
	NJ8905NE NJ8906SE	Survey Scale 1/1250

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LAND REGISTER OF SCOTLAND	Officer's ID/Date	Title	Number
	5270 22/1/2020	ABN144219	





TITLE NUMBER ABN144219

A 1

A. PROPERTY SECTION

DATE OF FIRST REGISTRATION

12 FEB 1998

DATE TITLE SHEET UPDATED TO

19 JUN 2019

REAL RIGHT

OWNERSHIP

DESCRIPTION

Subjects cadastral unit ABN144219 on the east side of Subjects within the land edged red on the cadastral map being ground lying to the north of CRAIGDEN, ABERDEEN tinted pink on the cadastral map.

Note

The minerals are excepted. The conditions under which the minerals are held are set out in the Deed of Conditions in Entry 6 of the Burdens Section.



TITLE NUMBER ABN144219

B 1

B. PROPRIETORSHIP SECTION

ENTRY PROPRIETOR

NO

1 DAVID ERNEST LAWRIE and
GILLIAN ALISON LAWRIE
spouses, 57 Popes Avenue,
Twickenham, TW2 5TD equally
between them.

**DATE OF
REGISTRATION**
19 JUN 2019

CONSIDERATION
£2,750

DATE OF ENTRY
13 JUN 2019



TITLE NUMBER ABN144219

C 1

C. SECURITIES SECTION

ENTRY
NO

SPECIFICATION

DATE OF
REGISTRATION

No Entry



D. BURDENS SECTION

ENTRY NO

SPECIFICATION

- 1 Disposition by Magistrates &c of Burgh of Aberdeen (hereinafter referred to as "the Corporation") to Secretary of State for Scotland, recorded G.R.S. (Aberdeen) 12 Jul. 1954, of subjects of which the subjects in this Title form part contains the following burdens:

Under reservation to us, the Corporation, of all existing servitude rights of wayleave (if any) which the Corporation may have therein for laying and maintaining sewer and water and other pipes and services.

- 2 Grant of Servitude contains Disposition by Secretary of State for Scotland, with consent, to British Gas plc and their successors ("the Company"), recorded G.R.S. (Aberdeen) 1 Oct. 1996, of a heritable and irredeemable (except as aftermentioned) servitude right and tolerance in, through and over the strip of land aftermentioned of laying down, constructing, inspecting, maintaining, protecting, using, replacing and removing or rendering unusable a pipeline for the transmission or storage of gas or other materials (whether such gas or materials are transmitted by the Company on its own behalf or on behalf of other persons) connected with the exercise and performance of the functions of the Company and all necessary apparatus ancillary thereto (all hereinafter collectively called "the said works") in, upon and over a strip of land three metres five centimetres in width, which strip of land extends for a distance of approximately two hundred and forty nine metres: Together with the right to the Company but only to the extent reasonably required of vehicular and pedestrian access to the said strip of land and of passage over the said strip of land for the purposes of the said works and of any works of the Company contiguous therewith and over the lands of which the said strip of land forms part (hereinafter called "the said lands") for the purpose of access to the said strip of land at all reasonable times and in an emergency at



D. BURDENS SECTION

**ENTRY
NO**

SPECIFICATION

any time whether or not with workmen, vehicles machinery and apparatus, under the following conditions:

1.

(i) In exercising the servitude hereby granted the Company shall take all reasonable precautions to avoid obstruction to or interference with the use of the said lands and/or the access thereto and egress therefrom and damage or injury to the said lands and others;

(ii) The Company shall so far as reasonably practicable make good all damage or injury to the said lands and/or the access thereto and egress therefrom caused by or as a result of the exercise by the Company of the servitude hereby granted to the reasonable satisfaction of me or my successors as proprietors of the said lands and shall make full compensation to me or my foresaids in respect of any such damage or injury in so far as the same shall not have been made good as aforesaid;

(iii) The Company shall so far as reasonably practicable and so long as the said works are used for or in connection with the transmission or storage of gas or other materials as aforesaid keep the said works in proper repair and condition and upon abandonment of the said works or any part thereof, notification whereof shall be given to me or my foresaids as the case may be by the Company, render the same permanently safe to the reasonable satisfaction of me or my foresaids and on so doing the servitude right hereby granted shall be deemed to be discharged the Company thereafter having no rights or obligations in respect of the said works or part thereof in the said lands;

(iv) The Company shall keep me or my foresaids indemnified against all actions, claims or demands arising by reason of the exercise of the servitude hereby granted or failure to keep the said works in proper repair and condition as aforesaid or



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comply with the terms of this Grant of Servitude (excepting any such actions, claims or demands as may be occasioned by the negligent or wrongful act of me or my foresaids or my or my foresaids' servants or agents) provided that neither I nor my foresaids shall settle or compromise any such actions, claims or demands as are referred to herein without the prior consent of the Company;

(v) The Company shall indemnify and keep me and my foresaids indemnified against all loss, damage, claims, demands, costs and expenses which may arise or be incurred by virtue of any damage or destruction of the pipeline aforesaid or any apparatus or equipment attached thereto or used in connection therewith or any escape of any gas or other material whatsoever from the said pipeline or any such apparatus or equipment as aforesaid where such damage destruction or escape is caused by the acts or omissions of any person other than me or my foresaids or my or my foresaids' servants or agents provided that neither I nor my foresaids shall settle or compromise any such claims or demands as are referred to herein without the consent of the Company;

(vi) The Company shall pay all public rates and taxes which may be imposed in respect of the said works or the servitude hereby granted;

(vii) If any interference with or disturbance of the functioning of any drain or drainage system in, on or under the said lands can be shown by me or my foresaids to have been caused by the laying of any pipeline in the exercise of the servitude hereby granted then the Company shall so far as reasonably practicable make good any damage or injury thereby caused to the reasonable satisfaction of me or my foresaids and shall make full compensation to me or my foresaids in respect thereof in so far as the same shall not have been made good as aforesaid.



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2. For the purpose of securing to the Company the said servitude and to benefit and protect the same at all hands I bind myself and my successors in the ownership of the said strip of land:-

(i) not to do or cause or permit to be done on the said lands anything calculated or likely to cause damage or injury to the said works and to take all reasonable precautions to prevent such damage or injury;

(ii) not, without the prior consent in writing of the Company, to make or cause or permit to be made any material alteration to or any deposit of anything upon any part of the said strip of land so as to interfere with or obstruct the access thereto or to the said works by the Company or so as to affect in any way the support afforded to the said works by the surrounding soil including minerals or so as materially to reduce the depth of soil above the said works;

(iii) not to erect or instal or cause or permit to be erected or installed any building or structure or permanent apparatus in, through, upon or over the said strip of land provided that nothing herein contained shall prevent me or my foresaids from installing any necessary service pipes, drains, wires or cables under the supervision and with the consent (which shall not be unreasonably withheld or delayed) of the Company or their agents or from carrying on normal agricultural operations or acts of good husbandry including fencing, hedging and ditching not causing such interference, obstruction or material reduction of the depth of soil as aforesaid.

3. Any dispute arising hereunder shall be determined in default of agreement by a single arbiter to be agreed upon between the parties hereto or failing agreement to be appointed on the application of either party (after notice in writing to the other party) by the Chairman of the Scottish Branch of the



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Royal Institution of Chartered Surveyors and the provisions of the Arbitration (Scotland) Act 1894 and of any statutory modification or re-enactment thereof for the time being in force shall apply to any such reference and determination.

4. DECLARING FURTHER

(i) The conditions hereinbefore contained in Clauses 1 and 2 hereof shall have effect subject to this Clause;

(ii) The statutory provisions substituted by Part II of the Mines (Working Facilities and Support) Act 1923 for Sections 71 to 78 of the Railway Clauses Consolidation (Scotland) Act 1845 are deemed to be incorporated herein;

(iii) The said provisions shall be construed as if the reference therein to the Mine Owner were reference to me or my foresaids and as if references to the Company were references to British Gas plc and references to rail level were references to top of pipe line level;

(iv) Any arbitration under the said provisions shall be in the manner hereinbefore provided by Clause 3 hereof and such of the provisions referred to in this Clause as may be inconsistent therewith shall be of no effect.

Note: the said strip of land is shown by a green broken line on the cadastral map.

- 3 Discharge, recorded G.R.S. (Aberdeen) 16 Jun. 1997, by Aberdeen City Council modifies the reservation in the Disposition in Entry 1 as follows:

In respect of any right, title and interest which we may have in the servitude rights of wayleave specified in the said Disposition and, for the avoidance of doubt, specifically without prejudice to any right, title and interest of any other



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party therein and thereto, therefore, we do hereby modify the said reservation to the effect that, in respect of that area of ground extending to 4.604 hectares, of which the subjects in this Title form part, the said reservation shall only entitle us and our successors to lay replacement sewer, water or other pipes and services (if any) and to inspect, maintain, repair or renew existing and replacement sewer, water or other pipes and services (if any) along the existing routes of such sewer, water or other pipes and services (if any) through the said area of ground.

- 4 Disposition by Grampian Healthcare National Health Service Trust to Aberdeen City Council and its successors, disponees and assignees, registered 20 Nov. 1997, of the subjects registered under Title Number ABN90758, contains the following burdens:

RESERVING ALWAYS to us and our successors as proprietors of the Hospital subjects or the statutory undertakers or service suppliers concerned ownership of and a heritable and irredeemable servitude right of wayleave and tolerance for (i) a 9" public water main, (ii) the underground electricity cabling and (iii) the underground telephone cabling and all service media respectively associated therewith crossing the whole subjects hereby disposed or any part or parts thereof and/or the said servient tenement or any part or parts thereof, the approximate routes of the said water main being shown by blue broken lines on the cadastral map, together with the right to enter and remain on the whole subjects hereby disposed and the said servient tenement at such time or times as shall be necessary in connection with the said 9" public water main and underground cabling and associated service media or otherwise all in terms of the existing arrangements between us and the undertakers or service suppliers concerned, but subject to restoration of all damage caused as a result to the satisfaction of our said disponees and their successors as proprietors of the subjects



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affected or the party in right of the said servitude; But the subjects are so disposed under the burden of any existing rights of way, servitudes, wayleaves and water and drainage rights however constituted and not previously mentioned which may affect the said subjects and the said servient tenement with rights of access on all necessary occasions when required for the inspection, cleansing, maintenance, repair and, where necessary, replacement or renewal of the same and for any other necessary purposes subject to the making good of any damage thereby occasioned;

Declaring

(First)

Our said disponees and their foresaids are hereby expressly bound to maintain, repair and where necessary renew all at their sole expense the boundary fences or other boundary structures hereby disposed in all time coming all to the reasonable satisfaction of the Trust or their successors as proprietors of the Hospital Subjects;

(Second)

Our said disponees and their foresaids are hereby expressly prohibited from using the whole subjects hereby disposed except as open (and unbuilt upon) public space for the amenity of the public at large in all time coming;

(Third)

Our said disponees and their foresaids are hereby expressly prohibited from planting or permitting to be planted trees, shrubs, bushes and plants of any kind or species whatsoever over the land two and half metres wide on each side of the said combined Hospital sewer in all time coming; and



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(Fourth)

There is reserved in favour of us and our successors as proprietors of the Hospital subjects a right of access over the whole subjects hereby disposed for the purpose of erecting and thereafter maintaining, repairing and where necessary renewing boundary structures along those parts of the Hospital subjects abutting the whole subjects hereby disposed or any parts of the same subject to an obligation on us and our foresaids to restore any damage caused through the exercise of the right to the satisfaction of our said disponees and their foresaids;

The said servitude right specified in the Property Section is subject to the following conditions:-

(First) the said servitude right of access shall be exercisable, for the avoidance of any doubt, by pedestrian traffic only;

(Second) the said servitude right of access shall be exercisable by our said disponees and their foresaids and others over the surface of the said servient tenement only and not otherwise;

(Third) our said disponees and their foresaids shall use the said servitude right of access as a servitude not only in favour of them, their servants, employees, contractors and agents, but also as a servitude to be communicated by them to the public at large for use as a public right of access and for no other use or purpose whatsoever to the satisfaction of us or our successors as proprietors of the Hospital Subjects;

(Fourth) there shall be reserved to us and our successors as proprietors of the said servient tenement, for the avoidance of any doubt, the following rights:- (One) a right of access over the said servient tenement for the purposes of inspecting, cleansing, maintaining, repairing and, where



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necessary, replacing or renewing the road bridge and its supporting structures or alternative road bridge erected in substitution therefor and for any other necessary purposes on giving prior notice to our said disponees or their foresaids except in cases of emergency when such notice may be waived; (Two) a right to remain on the said servient tenement with all necessary tools, equipment and other materials as we and our foresaids shall deem necessary in connection with the aforementioned purposes for as long as shall be necessary in the reasonable opinion of us and our foresaids subject to us and our foresaids minimising the interference and disturbance caused by the exercise of the said right to the extent that is practicably possible in the reasonable opinion of us and our foresaids having regard to the nature and extent of the operations being undertaken; (Three) the right to prevent or restrict the exercise of the said servitude right of access during periods when we and our foresaids are exercising the right of access and the right to remain on the said servient tenement for the aforementioned purposes, we and our foresaids being bound to minimise the period of prevention or restriction of the exercise of the said servitude right of access to the extent that is practicably possible in the reasonable opinion of us and our foresaids having regard to the nature and extent of the operations requiring the prevention or restriction; and (Four) the right of access to and the right to remain on the said servient tenement shall be exercised by us and our foresaids subject to the obligation to restore any damage to the said servient tenement which may be caused as a result of the exercise of the rights and that to the reasonable satisfaction of our said disponees and their foresaids as the party in right of the said servitude right.

Note: the said underground electricity cabling and underground telephone cabling lies to the east of the subjects in this Title.



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5 Disposition by Grampian Healthcare National Health Service Trust to Cala Management Limited and its successors and assignees, registered 18 Feb. 1998, of the land edged brown on the cadastral map (hereinafter referred to as "the Subjects") contains inter alia burdens &c in the following terms:

(First)

There is reserved in favour of the said Barratt Construction Limited and their successors in title as owners of the subjects bounded on or towards the north by Eday road, Aberdeen hereinafter referred to as "the Barratt Subjects"

(i) a right of vehicular access over the subjects for the construction of a footpath link between the Subjects and the Barratt Subjects and that at the sole cost of Barratt Construction Limited over a route approved by our said disponees but subject to the proper approval of Aberdeen City Council as The Planning Authority a right of pedestrian access across the Subjects over said footpath link and over the roads and footpaths constructed or to be constructed by our said disponees within the Subjects for the benefit of Barratt Construction Limited and their foresaids in order to take pedestrian access through the Subjects to Queens Road; declaring that (a) our said disponees shall be liable for the repair, maintenance and renewal of the said footpath link so far as within the Subjects, following its construction; and (b) our said disponees shall construct the residential development to be erected upon the Subjects in a manner which makes proper provision for the said footpath link; and

(ii) all necessary heritable and irredeemable servitude rights and others for the purposes of laying and installing, repairing and maintaining and, where necessary, renewing the service media required to serve the Barratt Subjects and all necessary heritable and irredeemable servitude rights to connect up to the service media which are already laid or



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are to be laid or installed through, in or under the Subjects provided always that (a) the said Barratt Construction Limited shall be responsible for the reinstatement of any surface damage occasioned by the exercise of said right; (b) the said Barratt Construction Limited shall be bound to maintain and repair said service media and any such connections at their sole expense; (c) the said rights will be exercised by the said Barratt Construction Limited in a manner that does not adversely detract from or affect the design or layout of the intended residential development of the Subjects; and (d) the said Barratt Construction Limited shall use their reasonable endeavours to have the subjects independently serviced at reasonable cost in the first instance;

(Second)

Our said disponees shall take all reasonable steps to ensure that the noise, nuisance and disturbance caused in carrying out their development of the Subjects is the minimum reasonably practicable in the circumstances;

(Third)

The Subjects shall be used for residential purposes only and for no other purpose; and

(Fourth)

In the event that a physical boundary is erected between the Subjects and the Barratt Subjects, that boundary shall be erected and thereafter repaired, renewed and maintained at the joint expense of our said disponees and their foresaids and the said Barratt Construction Limited and their foresaids as proprietors of the Barratt Limited and their foresaids as proprietors of the Barratt Subjects in all time coming.



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6 Deed of Conditions, registered 4 Mar. 1999, by Cala Management Limited, proprietors of the land edged red on the supplementary data to the title sheet, which supplementary data is a copy of the deed plan, (hereinafter referred to as "the said area of ground") sets forth burdens &c in the following terms:

CONSIDERING that we have erected or are about to erect on the said area of ground dwellinghouses with relative garages and offices, electricity power stations and any other buildings which we may deem expedient and that we are about to execute Blench Dispositions, Dispositions or other Conveyances in favour of the various purchasers, THEREFORE, we have resolved to execute these presents setting forth reservations, real burdens, conditions, provisions, limitations, obligations, stipulations and others under which we are to feu or otherwise deal with or affect the said area of ground or any part thereof (including each of the said dwellinghouses or other buildings with ground and others pertaining thereto) and to have these presents registered in the Land Register for Scotland or recorded in the appropriate Division of the General Register of Sasines whichever is applicable so that the same being so registered, the reservations, real burdens, conditions, provisions, limitations, obligations, stipulations and others herein contained may be effectually imported in whole or in part by reference into any Blench Disposition, Disposition or other conveyance relating to the said area of ground or any part thereof (including said dwellinghouses and other buildings with ground and others pertaining thereto); PROVIDED ALWAYS that it is expressly stated in such Blench Disposition, Disposition or Conveyance that it is granted with the reservations, real burdens, conditions, provisions, limitations, obligations, stipulations and others set forth in these presents or words to that effect; DECLARING THAT each of the said dwellinghouses are hereinafter referred to as "the house" that the house with any offices, outhouses or garages or other buildings or premises in respect of which any Blench Disposition, Disposition or other conveyance



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has been granted with the ground and whole common and other rights, parts and pertinents effeiring thereto, are hereinafter referred to as "the subjects" or "the dwelling" and the party in whose favour such Blench Disposition, Disposition or Conveyance of the subjects is granted as aforesaid is with his successors, executors and assignees whomsoever, or in the case of a corporate persona is with its successors and assignees whomsoever (the singular including the plural) hereinafter referred to as "the proprietor" and that our successors and assignees whomsoever as immediate Superiors are hereinafter referred to as "our foresaids"; NOW THEREFORE, we do hereby set forth the following reservations, real burdens, conditions, provisions, limitations, obligations, stipulations and others therein videlicet:-

(FIRST)

There shall be reserved to us and our successors, but subject always to the terms of the Coal Act 1938 and Coal Industry Nationalisation Act, 1946, the whole coal, shale, limestone, marl, ironstone, clay, freestone, slate, marble and other stone and all other mines, metals, minerals and fossils, though not hereinbefore specially enumerated within and under the said area of ground with full power and liberty to us or our foresaids or any person authorised by us or them, but without entering on the surface of the said area of ground, to search for, work, win, raise, calcine, manufacture and carry away the said minerals and others and to do everything necessary for all or any of these purposes; DECLARING THAT we or our foresaids exercising any of the said reserved rights and powers shall be bound to make payment to the proprietors of all damage which may be thereby occasioned to the surface of the said area of ground or the buildings erected or to be erected thereon as such damage shall, failing agreement, be ascertained by arbitration.

(SECOND)



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No house or building whether of a permanent, temporary or portable nature shall be erected on the said area of ground, nor shall any addition, enlargement, alteration, rebuilding or reconstruction in whole or in part be made on any house or building on said area of ground until the plans thereof have been approved and written consent thereto given by us or our foresaids.

(THIRD)

The house is to be used and occupied solely as a private dwellinghouse (and any ground effeiring thereto shall be used as a garden and for no other purpose whatever) and shall not be sub-divided nor occupied by more than one family at a time and the house shall not be used for the carrying on therein of any trade, business or profession or for the selling of any goods or wares of any sort whether or not such use may be deemed incidental or natural to the ordinary residential use of the house or whether any person occupying the same may have contractual right to use the same for or in connection with or arising out of any trade, business or profession notwithstanding any rule or law to the contrary; no shops or other buildings shall be erected on the said area of ground for the sale of any wines or spirits or other excisable liquors nor for the making or manufacturing of any goods for sale without the prior written consent of us or our foresaids; no board, card, plate or advertising notice of any kind shall be placed on the subjects without the written consent of us or our foresaids; no power boats, marine craft, caravans, commercial vehicles or vehicles other than private motor cars, motor cycles or cycles shall be parked or stored in the open and no handicrafts shall be carried on therein without the consent of us or our foresaids nor shall anything be done on the subjects or in the house which may be deemed a nuisance or occasion disturbance to adjoining proprietors.



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(FOURTH)

The proprietors of the subjects shall be bound to erect so far as not already erected and maintain all boundary walls, fences or hedges to the satisfaction of us or our foresaids and shall thereafter free and relieve us or our foresaids of all claims in respect of such walls or fences; no boundary walls or fences shall be added to or increased in height or altered in any way unless with the prior written consent of us or our foresaids and in any event such walls or fences (except those already erected) where ex adverso a roadway shall not exceed one metre in height from the heel of the footpath and shall not exceed one and one-half metres in height from the front boundary of the feu to the back building line of the house erected thereon and elsewhere shall not exceed two metres in height (such heights may be altered with the consent of us or our foresaids) and no further boundary, divisional or other walls or fences, trellis work or ornamental fencing or draughtboarding fencing shall be erected anywhere on the subjects nor shall bounding walls or fences be used as a support or strengthening for such trellis work, ornamental fencing or draughtboarding fencing without the written consent of us or our foresaids.

(FIFTH)

The ground appertaining to any house shall be laid out as garden ground or shrubbery and maintaining as such in a neat and tidy condition in all time coming to the satisfaction of us or our foresaids and vegetables shall not be grown in said ground in front of the house; only grass, flowers, shrubs and trees shall be planted in any open spaces, amenity areas, landscaped and play areas, trees, hedges and plants of any kind (except so far as already existing) shall not at any time without the consent of us or our foresaids exceed one metre in height; existing trees or shrubs or bushes growing on the subjects at the date of granting of the Blench Disposition,



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Disposition or Conveyance by us or our foresaids shall be maintained to the satisfaction of us or our foresaids and of the Local Authority Director of Planning and shall not be cut down, topped, pruned, removed or in any way damaged except with the prior written consent of us or our foresaids and the Local Authority Director of Planning. All losses of trees and shrubs or plant stock occurring in the first three years following planting shall be replaced to the satisfaction of the Local Authority Director of Planning as often as may be necessary to ensure establishment.

(SIXTH)

There is hereby reserved to us and our foresaids and to the proprietors of any house on the said area of ground, a full right of access along and over all roads, pavements, footpaths and lanes, a right to lead such sewers, drains, rain water, soil, waste and water supply pipes, gas and electric mains and other transmitters through the said area of ground as we consider necessary with all necessary rights of access thereto for cleaning, maintenance or repair of the same and right to restore or renew the same in the event of damage or destruction subject only to making good all surface damage, and in so far as the same is used in common by the proprietors of several houses, each proprietor shall pay one share for the subjects owned by him of the cost of cleaning, maintenance and repair or restoration or renewal of the same. The foregoing reservation and rights of access shall also operate in favour of the Electricity Board and other services, in particular, access for maintenance, repair et cetera to the water main and any sewers, drains, water pipes et cetera is reserved in favour of the Local Authorities Water Department and to plant is reserved in favour of British Telecommunications and to gas mains and pipes et cetera is reserved in favour of the Gas Board and to electric mains, cables et cetera is reserved in favour of the Electricity Board and to street lights et cetera is reserved in favour of the Local Authority Director of Lighting; and



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the proprietors are prohibited from doing any act which would materially interfere with or render more expensive the said rights of access including building, placing trees, shrubs, fences and walls over or in close proximity to the said mains, pipes, drains, cables and plant et cetera. In addition, the proprietors shall be bound, if required, to sign any Wayleave Agreement or Deed of Servitude required in connection with any of the foregoing rights.

(SEVENTH)

Each proprietor shall maintain his house and garage in good state of repair and decoration and take all appropriate steps either by himself or in conjunction with others to prevent damage to the fabric of the same which may prejudice the stability thereof or create a nuisance to other proprietors or their tenants, and, in particular, but without prejudice to the foregoing generality, by control of vermin and immediate treatment of any dry rot or other form of rot or infestation which may be detected and the repair of any damage to water or other service pipes or wires and any proprietor shall in the event of failure to take timeous and adequate measures to prevent and repair such damage or such defect including notification to adjoining proprietors whose premises may be affected, with a view to safeguarding their property, be liable for any damage caused thereby.

(EIGHTH)

Where the proprietors of two or more houses or garages have a common right of property (it being a question of fact as to what are common rights) in any part or portion of any of the subjects each proprietor shall be bound to uphold and maintain in good order and repair such parts or portions in all time coming and in the event of damage or destruction restore or renew the said parts or portions paying one share of the cost of so doing for each house owned by him and without prejudice



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to the foregoing generality each proprietor shall be bound along with the other proprietor or proprietors having right thereto and to the extent of one share each to uphold and maintain in good order and repair in all time coming and in the event of damage or destruction to repair or renew such parts or portions of the subjects as may be common (including any common television aerials with equipment relative thereto). Each proprietor shall have the right of access to adjoining property to carry out the foregoing repairs and maintenance.

(NINTH)

It is hereby provided and declared that each proprietor shall be prohibited from using himself, selling or disposing of any car-port or garage pertaining to his house separately therefrom or from using them for any purpose other than for the parking of a private car without the consent of us or our foresaids.

(TENTH)

The following further reservations, real burdens, conditions and others will apply:-

(One) the parking of motor cars, cycles, caravans or any other vehicle of any nature shall not be permitted on access ways or on any paths, borders or amenity areas, landscaped or play areas or open spaces at any time.

(Two) no clothes poles or clothes lines (except with the consent of us or our foresaids), shall be erected on any part of the said area of ground nor shall they be attached to or suspended from any window in any of the said dwellings or form any part of the exterior walls.

(Three) no garbage cans or ash buckets or any other form of refuse receptacle or any other articles of any nature



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shall be permitted to be left or deposited otherwise than in accordance with the regulations and recommendations of the Local Authority.

(Four) the proprietor, tenant or occupier of the dwelling is hereby expressly prohibited from keeping poultry, ducks, pigeons, rabbits, bees or other livestock or domestic animals which shall prove a nuisance to adjoining proprietors. We and our foresaids shall have sole discretion to determine whether or not such livestock or domestic animals constitute a nuisance.

(Five) no trees or shrubs or bushes shall be cut down, lopped, pruned, damaged or removed from any amenity ground, play areas, landscaped areas or open spaces unless the same have become dangerous or overgrown and only after having first received written consent from us or our foresaids and the Local Authority Director of Planning and further, the proprietors of the dwellings shall be bound to maintain in good order all hedges, shrubbery and trees.

(Six) the proprietors shall be bound to make the Blench Disposition and Title Deeds of their respective dwellings forthcoming to us or our successors as Superiors for a reasonable time on all necessary occasions when required, and that free of expense to us and our foresaids.

(ELEVENTH)

The proprietors shall be bound to insure the dwellings comprehensively with an established insurance company for the full replacement value thereof and to exhibit receipts for the premiums to us and our foresaids if and when called on to do so, and in the event of the subjects or any part thereof being destroyed or damaged by fire or other insured cause, the proprietors shall be bound to restore within one year after such destruction or damage the subjects to the value



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thereof immediately prior to such destruction or damage and the whole sum received from the insurance company shall be expended at the sight of us or our foresaids in re-erecting the subjects or repairing the damage done, the new plans and specifications being first exhibited to and approved of by us and our foresaids.

(TWELFTH)

The proprietors of the subjects shall be bound to form so far as not already formed and thereafter maintain, all to the satisfaction of us or our foresaids in the situation and to the levels which have our approval, all roads, pavements, footpaths, lanes and sewers on the said area of ground so far as included in or ex adverso the said area of ground. The obligation for maintenance of these or any of these will cease only if and when these or any of these are taken over for maintenance purposes by the Local Authority.

(THIRTEENTH)

There is reserved in favour of the Local Authority or other Authority or person from time to time undertaking the clearance of snow, slush, ice or the like from the roadways and others within the said area of ground, the right at any time without notice to deposit such snow, slush, ice or the like as also any deposits of sand, grit, salt or the like on those parts of the subjects designated as "service strips" and shown hatched and marked on the plans annexed to the Blench Dispositions or other conveyances of the various dwellinghouses or subjects within the said area of ground, together also with all necessary rights of access to the service strips for this purpose; there is also reserved to the Local Authority or other Authority or person from time to time undertaking the maintenance of the kerbing along the boundary of any road or street or path on the said area of ground, a right of access to the service strips at all times and without notice for the purpose of



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maintaining, repairing, renewing or replacing said kerbing, there is also reserved in favour of the Local or Public Authorities, Statutory Undertakers, British Telecom and the like, the right to lay in or under the service strips or any part thereof all sewers, surface water and other drains, pipes, water mains, cables, ducts or other apparatus which they in their absolute discretion may deem necessary as also the right in all time coming to maintain, repair, renew or replace all such sewers, surface water and other drains, pipes, water mains, cables, ducts or other apparatus and all such sewers, surface water and other drains, pipes, water mains, cables ducts or other apparatus which have already been laid in or under the service strips; and together also with all necessary rights of access to the service strips at all times and without notice for the foregoing purposes; AND ALSO DECLARING that all rights affecting the service strips reserved by these presents or otherwise shall be exercised by those entitled so to do without any liability on the part of the said Cala Management Limited and the proprietors are prohibited from erecting or having on these service strips or any part thereof any buildings, walls, fences or other structures whether permanent or temporary and also from planting or having on the service strips or any part thereof, any tree, hedge, shrub or the like and generally from doing anything in or upon the said service strips which might damage kerbing, sewers, surface water and other drains, pipes, water mains, cables, ducts or other apparatus laid or to be laid in or under the service strips or which might impede access thereto; In the event of the purchasers causing damage to any apparatus contained in such service strips, then they shall be liable to meet the cost of the necessary renewal or repair work; and the proprietors shall keep the said service strip in a neat and tidy condition under grass (except in so far as there shall have been constructed over the service strip, paths or access driveways as approved) and shall keep the said service strip reasonably flat and shall not alter the level of the same.



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SPECIFICATION

(FOURTEENTH)

THERE IS EXPRESSLY reserved to us and our foresaids the right to alter or modify in whole or in part the reservations, real burdens, conditions, provisions, limitations, obligations, stipulations and others herein contained and in the event of us or our foresaids so doing the proprietor shall have no right or title to object thereto and shall have no claim in respect thereof and any such alteration or modification in respect of any one or more of the subjects shall not imply any similar alteration or modification in respect of any other subjects; FURTHER there is hereby retained to us and our foresaids the right to make whatever alterations or deviations as we consider proper upon any of the development or feuing plans of the said subjects or even to depart entirely therefrom and we expressly reserve to us and our foresaids the right to dispose of any part of the said subjects for such purpose as we may think fit or to alter or modify in whole or in part the foregoing conditions and in the event of our or their doing so no proprietor shall have any right or title to object thereto and shall have no claim in respect thereof.

Note: The foregoing Deed of Conditions contains a declaration that Section 17 of the Land Registration (Scotland) Act 1979 is not to apply. The conditions contained in said Deed of Conditions have been made real by being imported by reference in a conveyance of the subjects in this Title.

- 7 Disposition by Cala Management Limited to Greenbelt Group Limited, registered 2 Mar. 2007, of subjects at Craighden, Aberdeen registered under Title Number ABN90758, contains inter alia the following servitudes and real burdens:

Part 1 Interpretation

In this Entry



D. BURDENS SECTION

ENTRY
NO

SPECIFICATION

"Benefited Property" means the subjects registered under Title Number ABN19012 under exception of the Burdened Property and the individual plots conveyed by the said Cala Management Limited on the Development Land;

"Benefited Proprietors" means the said Cala Management Limited and their successors as heritable or registered proprietors of the Benefited Property;

"Burdened Property" means the property hereby disposed;

"Burdened Proprietors" means the said Greenbelt Group Limited and their successors as heritable or registered proprietors of the Burdened Property;

"Development Land" means the residential development site known as Queen View, Aberdeen under exception of the Burdened Property;

Part 3 Real Burdens affecting the Burdened Property

The following real burdens are imposed on the Burdened Property in favour of the Benefited Property:

1. The Burdened Proprietors shall manage any areas of woodland comprised in or planted on the Burdened Property at all times that

(i) the foregoing obligation shall cease to have effect at such time as the Development Land shall have ceased substantially to be used as a residential housing development and

(ii) notwithstanding the foregoing, the Burdened Proprietors shall be entitled at all times to use the said areas of woodland for such purposes as they in their sole discretion, but acting at all times in accordance with generally prevailing principals of good silviculture practice, consider are



D. BURDENS SECTION

**ENTRY
NO**

SPECIFICATION

necessary or appropriate as being ancillary to the maintenance and/or management of said woodland;

2. The Burdened Proprietors shall manage and maintain any areas of amenity open spaces comprised in the Burdened Property at all times as landscaped open spaces in accordance with sound residential land management practice provided that the foregoing obligation and restriction shall cease to have effect at such time as the Development Land shall have ceased substantially to be used as a residential housing development.

Part 4 Servitudes affecting the Burdened Property the following servitude is imposed on the Burdened Property in favour of the Benefited Property:

All necessary servitude rights of access reasonably required through the Burdened Property for the purpose of laying and thereafter maintaining using and if necessary renewing sewers, pipes and other necessary utility conduits required to serve the residential housing development constructed or to be constructed by the Benefited Proprietors on the Development Land and for all works properly and necessarily associated therewith as required by statutory authority from time to time, provided always that all or any of the foregoing rights are

(i) exercised in such manner as to cause the least practicable interference with the lawful and permitted activities and operations of the Burdened Proprietors upon the Burdened Property and in accordance with reasonable prior written notice to and consultations with the Burdened Proprietors and

(ii) subject to the Benefited Proprietors being responsible at all times for making good all damage caused to the Burdened Property or to any trees, buildings or other structures or property in or upon the Burdened Property to the extent that



D. BURDENS SECTION

**ENTRY
NO**

SPECIFICATION

such damage arises out of the exercise by the Benefited Proprietors of said rights.

- 8 Tree Preservation Order No. 251/2017 by Aberdeen City Council (hereinafter referred to as the planning authority) (under Section 160 of the Town and Country Planning (Scotland) Act 1997) effective on 24 Oct. 2017 and confirmed on 17 Apr. 2018 and registered 23 Apr. 2018, contains conditions affecting trees or groups of trees (including prohibitions against the cutting down, topping, lopping, wilful destruction &c thereof), situated on that part of the subjects in this Title edged yellow on the cadastral map.
- 9 Explanatory Note: The descriptions of the burdened and benefited properties in any deed registered in terms of sections 4 and 75 of the Title Conditions (Scotland) Act 2003 in this Title Sheet are correct as at the stated date of registration of such deed. This is notwithstanding any additional information that may have been disclosed by the Keeper in respect of those properties.

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Document LAW07



Claire Coutts <claire.coutts@ryden.co.uk>

Notification of Change of Description and Request for Supporting Information - Land to Rear of 6 Craighden (Ref: 221307/DPP)

Claire Coutts <claire.coutts@ryden.co.uk>
To: Roy Brown <RoyBrown@aberdeencity.gov.uk>

14 November 2022 at 09:40

Morning Roy

I have submitted the revised Ownership Certificate on the eplanning portal. I think the issue arose because the certificate lifted the details of the "organisation" from the applicant section. As it is an individual, this was inputted as n/a.

I have forwarded the details of the advertisement to the applicant. They are currently away on business at the moment, so I am not sure whether this will be paid immediately, but it will be paid on their return, if not before.

In relation to your request for further information and supporting evidence regarding how the site functions in terms of how the neighbours are able to access the space, the supporting letter states that:

"The area of ground remains accessible to all property owners at Craighden from a footpath along the North Burn of Rubislaw, through a gate on the southern boundary. This is accessible by a combination lock, to which all owners have access. This clearly demonstrates that the land under consideration becomes a fenced area of open space for use by all residents"

Can you confirm what other information and evidence you would require? I had wondered if a photograph of the combination lock and email to neighbours advising them of this would suffice? If not, can you confirm what would be appropriate?

Thanks
Claire

[Quoted text hidden]

--

Claire Coutts BLE (Hons) MRTPI

Associate | Planning

Telephone 01224 588866 | Mobile [REDACTED]

Ryden, 25 Albyn Place, Aberdeen, AB10 1YL

www.rydenplanning.co.uk

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**Document LAW09**

Claire Coutts <claire.coutts@ryden.co.uk>

Comments from the Planning Service (Ref: 221307) - Land To Rear Of 6 Craighden

Roy Brown <RoyBrown@aberdeencity.gov.uk>
To: "claire.coutts" <claire.coutts@ryden.co.uk>

24 January 2023 at 18:16

Good afternoon Claire,

We are now in a position to offer comments with respect to this planning application, and must apologise again for the delay in the progress with this application.

Policy Context

The application site is zoned within Policy H1 – Residential Areas and NE1 – Green Space Network in the Aberdeen Local Development Plan 2017 (ALDP) and the Proposed Aberdeen Local Development Plan 2020.

Policy H1 of the ALDP requires proposals not adversely affect the character and amenity of the surrounding area and not result in the loss of valued and valuable open space.

Policy NE1 of the ALDP states that the Council will protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network, which is identified on the Proposals Map.

Comments

The proposal result in the loss of an area of publicly accessible open space, which whilst would be used and accessible to the neighbouring residents, it would be to the detriment of the wider public and would be contrary to the aims of Policy H1 of the ALDP.

The application site was included on the Open Space Audit 2010, identified as residential amenity space and scored highly. If furthermore is forms part of Green Space Network as part of the wider North Burn of Rubislaw. This area of public open space would have been required as part of the wider development for it to meet open space provision requirements and to provide open space provision in the wider area. The removal of this open space adversely affects the character and amenity of the surrounding area. Whilst every planning application is assessed on its own merits, given this site forms part of a much larger area of open space and the similar areas in the area, the proposal would be very likely to result in an unwelcome precedent for the loss of public open space, to the detriment of the amenity of the wider area.

Whilst we understand that there have been concerns regarding anti-social behaviour and we empathise with these concerns, this in itself would not warrant the loss of public open space or enclosure of such open space. We have consulted Police Scotland and no response has been received and no evidence has been provided which supports these concerns. Given the likelihood of the unwelcome precedent that this proposal could cause, with the information provided, this would not warrant the loss of publicly accessible open space.

As it exists currently, the Planning Service considers the proposal could be contradictory to the Part 1 of the Land Reform (Scotland) Act given the loss of access into and through the space by its enclosure with a fence. Fencing could also unnecessarily impact the movement of wildlife through the Green Space Network.

The proposal would therefore conflict with the aims of Policies H1 – Residential Areas, NE1 – Green Space Network of the Aberdeen Local Development Plan 2017.

Next Stage

Given this application is being assessed retrospectively, we must advise that it is the intention of the Planning Service to progress to determine this application.

If you do wish to provide any further supporting information/statement(s), we ask that you inform us as soon as possible of your intentions to send to this, we also ask that you submit this within 14 days and furthermore confirm agreement to an extension of time for the Planning Authority to determine the application to the 15th February.

If you do not intend to send any further information, we would welcome if you could let us know, so that we can progress to determination.

Kind regards,



Roy Brown MRTPI | Planner

Aberdeen City Council | Development Management | Strategic Place Planning | Place

Marischal College | Ground Floor North | Broad Street | Aberdeen | AB10 1AB

Direct Dial: 01224 522453

General Planning Support: 01224 523470

www.aberdeencity.gov.uk | Twitter: @AberdeenCC | Facebook.com/AberdeenCC

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Document LAW10

Claire Coutts <claire.coutts@ryden.co.uk>

Comments from the Planning Service (Ref: 221307) - Land To Rear Of 6 Craigden

Claire Coutts <claire.coutts@ryden.co.uk>
To: Roy Brown <roybrown@aberdeencity.gov.uk>

26 January 2023 at 09:24

Roy

Thank you for your comments

It is extremely disappointing that the Council cannot see that the fence was put in place to protect the green space and therefore it is not accepted that it adversely affects the character and amenity of the area, but actually preserves and enhances it. The fence allows further planting to be undertaken in the knowledge that it will not be destroyed, therefore enhancing biodiversity. Should the fence need to be removed, there is every chance the new planting will be destroyed and the applicant would be unlikely to replant this area, due to constant expense involved in replacing it when it is vandalised.

Further to this, the area of open space is now privately owned by the applicant and although it is identified as open space in the LDP, it is not considered to be comparable to other areas of open space associated with housing developments. The fence does not prevent access to locals and can therefore still be considered public open space, it is just not open to the wider public but there are good reasons for that. The lack of Police Scotland records does not mean the vandalism is not happening. I have asked if the applicant has any photographs of the issues being experienced and I will submit these if they are available asap.

Finally, it is not accepted that a precedent will be set in approving this application as the Council is obliged to assess each site on its merits, therefore, I don't feel this is a valid reason based on the history of this site and the reasons for erecting the fence to protect the area of open space.

Kind regards

Claire

[Quoted text hidden]

[Quoted text hidden]



Claire Coutts <claire.coutts@ryden.co.uk>

Comments from the Planning Service (Ref: 221307) - Land To Rear Of 6 Craigden

Claire Coutts <claire.coutts@ryden.co.uk>

30 January 2023 at 12:22

To: Roy Brown <RoyBrown@aberdeencity.gov.uk>

Roy

Further to my previous email, I have spoken to the applicant. Unfortunately they have been unable to find photographs of the vandalism, but this included fires being set and trees being burnt down. Although there is no photographic evidence to submit, these issues are referenced in the letters of support submitted to the application.

Further vandalism continues to take place, but the fences have gone some way in preventing this being targeted at the trees. This demonstrates that the fence is protecting this area of open space.

I can also confirm that the applicant has reported the vandalism to the Police and it is understood that it was PC Scotland that they spoke to.

I am happy for this information to be uploaded to the portal in support of the application.

Kind regards

Claire

[Quoted text hidden]



Claire Coutts <claire.coutts@ryden.co.uk>

Land to the rear of Craigden (Ref: 221307)

Claire Coutts <claire.coutts@ryden.co.uk>

9 February 2023 at 09:14

To: Roy Brown <roybrown@aberdeencity.gov.uk>

Cc: David Lawrie <davidlawrie65@gmail.com>, JAS Stewart@aberdeencity.gov.uk

Roy

Further to my previous emails dated 26th and 30th January, I write to highlight some further important points to aid the determination of this application.

An area of land between the fence (that forms the subject of this application) and the Burn was purchased by another party and they have previously started to erect a fence (work on this has now been halted) which would have blocked the path along the Northburn of Rubislaw. I can confirm that this fence has nothing to do with the applicant (Mr Lawrie) and is entirely separate.

The fence under consideration in this application would have no impact on the ability of members of the public accessing the path along the Burn as that footpath runs along the outside of the fence.

Anti-social behaviour continues in the area and a number of fires have been lit both before and after the fence was erected to the rear of 6 Craigden. The Local Councillor is well aware of these and has attended the most recent fire and can attest to such behaviour occurring in the area.

Finally, although the applicant would prefer the fence be retained permanently on the site, their main concern is the safety of the area and the biodiversity which is at risk from anti-social behaviour if the fence is removed. However, they would be willing to remove the fence after a temporary period, once the trees have had the opportunity to become established and would be better equipped to withstand any future attempts at vandalism. They would be happy to discuss this with the planning authority if they are not able to support the fence on a permanent basis.

I hope that this additional information demonstrates that the applicant is looking to protect the open space in line with Policy NE1 of the LDP and the fence does not affect the ability of members of the public to access the footpath adjacent to the burn. Further to this, the immediately surrounding neighbours maintain access in line with Policy H11.

Kind regards

Claire

--

Claire Coutts**Associate | Planning****Ryden**

01224 588866



The Capitol, 431 Union Street, Aberdeen, AB11 6DA



ryden.co.uk



Who we are and what we do



ABERDEEN
CITY COUNCIL

OPENSOURCE

Aberdeen Open Space Strategy

2011-2016



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FOREWORD

Aberdeen City is renowned for its beautiful parks and open spaces and is blessed with some of the best green spaces in Scotland. This makes for a beautiful city environment and contributes to our quality of life. There is growing evidence that quality and accessible open spaces play a vital role in the health and wellbeing of everyone. Good quality open spaces provide opportunities for outdoor recreation, physical exercise and promote social interaction and cohesion.

It is recognised that open spaces play an important role in reducing and mitigating the effects of climate change and the conservation of biodiversity. They act as green lungs for the city and its residents and help in absorbing carbon emissions.

Developing and managing quality open spaces is a major challenge that demands resources and time. This cannot be achieved by an individual or an organization and requires joint working and a partnership approach.

I am delighted to say that Aberdeen City Council has adopted a new approach and thinking to managing our open spaces and natural assets. The Aberdeen Open Space Strategy is an important milestone towards this direction and shows our commitment to delivering quality services to our customers.

The Strategy sets out a new vision for the City's open spaces with clear aims and objectives to improve the quality and accessibility of the open spaces. Based on the results of the open space audit and views of the public, the Strategy sets out a clear direction and action plan to achieve its goals. The Strategy suggests innovative and different ways of maintaining and managing open spaces.

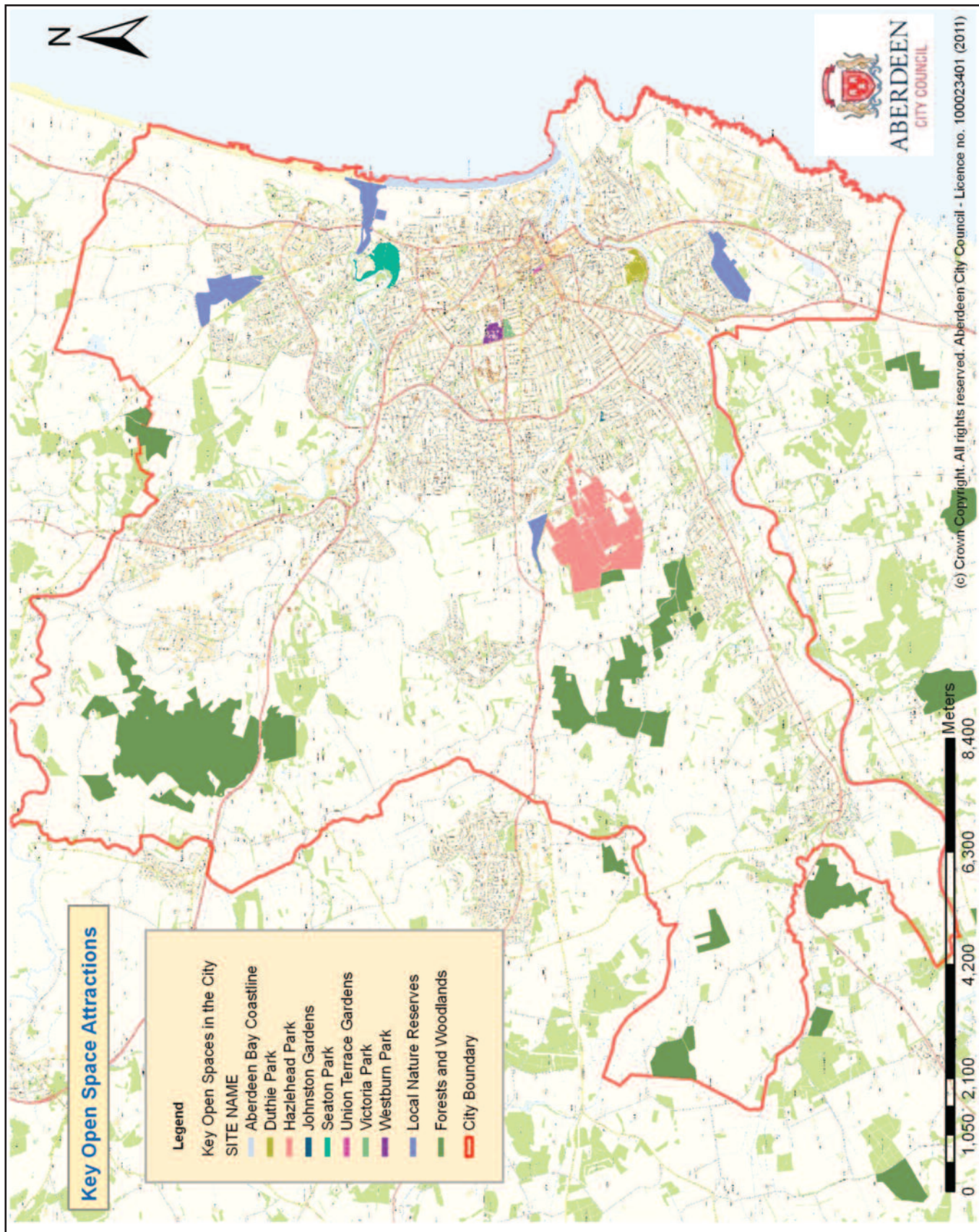
This is not a Strategy for the Council alone. It is a City wide Strategy for everyone. I would welcome the involvement of all interested people to help deliver this Strategy by working together to ensure its successful delivery. I thank those who participated and contributed towards the development of this important piece of work.

Over the next five years Aberdeen City Council is looking forward to working with our partners and customers as we believe that it is the people, not the Strategy that will make things happen.



Kate Dean

Councillor Kate Dean



CHAPTER 1 Introduction

This Strategy sets out a strategic vision, aims and objectives for open space in Aberdeen. Its main purpose is to ensure the city has enough accessible and good quality open space. The Strategy is based on the findings of the Aberdeen Open Space Audit 2010. The approach to the development of this Strategy has been to involve as many people and organisations with an interest in open space as possible throughout each stage. It is hoped that this will mean the Strategy is 'owned' by everyone.

Aberdeen has many high quality, well used public parks and open spaces, which are highly valued by its citizens as important community resources. This Strategy revolves around four themes: people, health, the economy and the environment.

The audit of the city's open spaces gives us a good picture of the amount of open space we have, its quality and how accessible it is to those who currently, or could use it. It also identifies some challenges, such as how to protect what we have, increase its quality and maintain it to make better use of what we have. A summary of the Open Space Audit (2010) is provided in section 3 of the Strategy. This Strategy sets out to address these challenges, taking into account the current financial climate, through working more with communities and businesses and through more efficient and effective management. An example could be to consider the possibilities of developing some of the larger amenity spaces into alternative, higher quality, more functional and publicly desirable types of open space.

The Strategy process has also included developing new standards for open space in new developments. These will encourage the development of more useful, publicly desirable and efficient open space types such as natural areas, green corridors, play spaces and allotments.

A detailed action plan has been developed, which focuses on encouraging greater community involvement and partnership working in developing and maintaining open spaces. It suggests reviewing the management of sites, in terms of financial, social and environmental sustainability, promoting good design of networks of open spaces, providing better access and information and supporting the use of open spaces for community events.



What is open space?

Greenspace Scotland defines 'open space' as open, usually green land within and on the edges of settlements. Parks, public gardens, allotments, woodland, play areas, playing fields, green corridors and paths, churchyards and cemeteries, natural areas, institutional land as well as 'civic space' such as squares or other paved or hard surfaced areas with a civic function are all forms of open space.

What open space does the Strategy cover?

This Strategy considers open space as defined by Planning Advice Note 65, Planning and Open Space. Private gardens and farmland are not covered by this Strategy. A brief description of each open space is provided below. Details of the PAN65 typology are provided in **Appendix 1**.





Public Parks and Gardens

Areas of land normally enclosed, designed, constructed, managed and maintained as a public park or garden



Amenity Greenspace

Landscape areas providing visual amenity or separating different buildings providing informal recreational activities and general environmental benefits



Play Space for Children

Areas providing safe and accessible opportunities for teenagers and children to play, usually linked to housing areas



Sports Areas

Large and generally flat areas of grassland or specifically designed surfaces used primarily for designated sports (including playing fields, golf courses, tennis courts and bowling greens)



Green Corridors

Routes including river corridors and old railway lines, linking different areas within a town or city as part of a designated or managed network and used for walking, cycling, or linking towns and cities to their surrounding countryside or country parks



Allotments

Areas of land used for growing fruit, vegetables or other plants either in individual allotments or as a community activity



Natural Semi-Natural

Areas of undeveloped or previously developed land with residual natural habitats or which have been planted or colonised by vegetation or wildlife including woodlands and wetlands



Civic Space

Squares, streets, waterfront, and promenades predominantly of hard landscaping that provide a focus for pedestrian activity and can make connections for people and for wildlife



Burial Grounds

Includes churchyards and cemeteries

Vision for the Strategy

A network of attractive, appealing, well connected community places. Places for everyone to enjoy for health, learning, recreation and nature.

Aims

Aberdeen's Open Space Strategy will benefit people, health, the economy and the environment. It aims to:

People

Provide good and equitable access to a network of quality open spaces that promote stronger, responsible and proud communities



© Image of Greenferns, produced by OPEN for Aberdeen City Council.

Health

Promote and facilitate healthier lifestyles



© Image of Greenferns, produced by OPEN for Aberdeen City Council.

Economy

Ensure Aberdeen is an attractive and appealing place to enjoy living, working, visiting and investing in



Environment

Protect, enhance and value our environment for current and future generations



Objectives

To achieve the vision and aims, eight objectives were identified by partners, stakeholders and the public, who contributed to the process of developing this Strategy. These are listed below, along with a summary of what they are designed to achieve and how.

<p>1. Create, protect and enhance Green Space Network</p>	<p>Connecting our urban open spaces and surrounding, more rural greenspaces, to each other, and to the communities around them, offers a wide range of social, health, economic and environmental benefits. These are recognised in the Aberdeen Local Development Plan and actions to achieve this objective relate to ensuring Green Space Network is seen as a key facility within new developments.</p>
<p>2. Improve the quality of open spaces</p>	<p>This objective focuses on improving the quality of open spaces and their associated facilities, in order to make better use of what we have. Actions to achieve this include producing a prioritised project plan for improving open spaces, particularly play spaces and encouraging good design, such as making the most of the natural landscape and using natural play materials.</p>
<p>3. Provide well maintained and managed open spaces, balancing available resources with community demand</p>	<p>Open Space management and maintenance is an issue that concerns all of us. This objective recognises the current financial situation and considers new ways of managing and maintaining open space. The audit and Strategy consultation process showed that people would like to see more natural management of open spaces.</p> <p>Some open space and park user groups already exist and are actively engaged in improving their open spaces through for example regular events. This objective will support similar approaches. See Sunnybank Park case study.</p>
<p>4. Improve access to and within open spaces</p>	<p>It was clear through community consultation that access is an issue for people and this objective will be delivered through providing more information on open spaces and how to access them, working with others to achieve this where appropriate and supporting the implementation of the Core Path Plan. This objective also relates to how open space types are accessed, and a review of the city's pitch provision in particular is necessary.</p>

<p>5. Increase the value and use of open spaces for health, education, play and lifelong learning</p>	<p>Throughout the consultation, people were concerned with how open spaces are protected. People felt this could be achieved through making sure open spaces are well used. They felt there are opportunities for schools to use open spaces and that there were strong links with Curriculum for Excellence. Promoting active lifestyles and encouraging events in open spaces were also seen as ways to increase use of open spaces. People felt that greater usage of open space could also be achieved by making them more multi-functional, with a range of attractions and facilities attracting people of all ages and abilities. Anti-social behaviour, dog fouling, litter and safety were considered to be barriers to increasing the use of open spaces. These issues link to the Scottish Outdoor Access Code.</p>
<p>6. Seek business, community and other agency involvement</p>	<p>Parks and open spaces provide communities with a focal point for social interaction and cultural activities. Using parks and open spaces for events, festivals and other activities increases the value of open spaces. Increasing involvement of others in helping to manage open spaces is seen as a positive opportunity to address the restrictions the Council faces in providing grounds maintenance.</p>
<p>7. Recognise the economic, environmental and social value of open spaces</p>	<p>This objective is key to addressing the concerns people had with how to protect open spaces. It revolves around the social and environmental benefits offered by open spaces, as well as benefits to the wider economy. This objective aims to work with communities and partners to measure and promote the value of open spaces and the benefits they provide.</p>
<p>8. Maximise opportunities to mitigate and adapt to climate change and further biodiversity</p>	<p>Open space plays an important role in capturing and storing water and reducing localised flooding after significant rainfall events. Trees and vegetation help in reducing noise and absorbing dust and air pollutants. Open spaces also provide habitats for plants and animals within urban areas. This objective is designed to make the most of these environmental benefits.</p>

Case Study - Sunnybank Park



Sunnybank Park - a new community park located between four distinct communities in Aberdeen: Old Aberdeen, Powis, Sunnybank and Froghall.

Formerly an outdoor sports centre, the site was closed and considered for urban development. Following community consultation, there was a strong mandate to save the space.

The Friends of Sunnybank Park (FoSP) was established and developed physical, management and funding plans for the site. The value of this space was then recognised, the plans approved and a handover to the community negotiated.

The FoSP decided that it was not feasible to maintain the outdoor centre and, following consultation, a new future as a community park was set. Immediate plans for the site include; dog walking area, pond, community allotments, walks and wildlife and access improvements. Funding has been secured from the Scottish Government, Aberdeen Greenspace Trust and Aberdeen Forward for these. Longer term plans include a formal sports area and perhaps a community building.

The Park forms part of a matrix of greenspaces, including a play area and woodland, altogether creating a larger sense of space and place. The additional spaces are not leased by the FoSP, but they are considered and managed as part of the overall place.

The FoSP formed partnerships to bring support, expertise and funding to their work. They also engaged local communities. There is now a dedicated BTCV Green Gym volunteer programme operating in the Park, as well as many other volunteering and social events. The FoSP also maintain a newsletter, a website, a Facebook group and hold monthly meetings to discuss and direct progress. The ambition is to employ a Development Officer to develop the longer term plans. This is a long term project and the case continues.

Volunteers at work



Picnic in the park



300 years old "Gibberie Wallie" parks heritage



CHAPTER 2

Policy Context

National

This Strategy supports the Scottish Government's strategic objectives for a healthier, safer and stronger, wealthier and fairer, smarter and greener Scotland.

The Scottish Government, through Scottish Planning Policy (SPP), stresses the need to protect, enhance and create open space for the benefit of people, the environment, natural heritage and biodiversity. It highlights the need for quality open space as an important part of future development and encourages a long term, strategic approach towards protecting, creating and managing open spaces and green space networks.

The policy states that planning authorities should undertake an open space audit to record the baseline conditions and prepare an open space strategy which sets out the vision for new and improved open spaces and address any deficiencies identified in the audit.

The SPP also requires development plans to identify and promote green networks where this will add value to the provision, protection, enhancement and connectivity of open space and habitats around cities.

Open space links to various national policy agendas including:

- PAN 65 Planning and Open Space
- Scottish Planning Policy
- Land Reform (Scotland) Act 2003
- Local Government in Scotland Act 2003
- Scotland's Biodiversity Strategy - It's in Your Hands
- Let's Make Scotland More Active – A Strategy for Physical Activity
- Designing Places – A Policy Statement for Scotland
- Scottish Outdoor Access Code
- Good Places, Better Health: A new approach to the environment and health in Scotland

Links to various policies are provided in Figure 1.

Regional

Aberdeen City and Shire Structure Plan sets a vision to make the region an attractive, prosperous and sustainable European City region and an excellent place to live, visit and do business. It recognises the role that a high quality environment plays in delivering this vision. It considers the challenges of sustainable development, climate change adaptation, flooding and unforeseen weather or extreme weather conditions and the need for high quality design and landscaping in developments. The Structure Plan requires Local Development Plans to protect the natural environment from the effects of development.

There are also a number of regional plans, programmes, policies and strategies that relate to the issues covered by this Strategy such as North East Scotland Biodiversity Action Plan, Forest and Woodland Strategy for Aberdeenshire and Aberdeen City and the Joint Health Improvement Plan.

Local

This Strategy supports the Aberdeen Local Plan 2008 as well as the Proposed Aberdeen Local Development Plan, by helping to deliver policies that protect and enhance the natural environment, and promote high quality design.

The Open Space Strategy has very close links with other strategies such as Aberdeen City's Nature Conservation Strategy and should not be considered as a stand alone document for delivering wider environmental benefits.

Links to the various key relevant policies and strategies are provided in Figure 1.

Supplementary Guidance on Open Space has been developed in parallel with this Strategy, and sets out the Council's approach towards planning and development of new open spaces.

See



Figure 1

Green Space Network

Aberdeen's Green Space Network (GSN) is a strategic network of woodland and other habitats, active travel and recreation routes, greenspace links, watercourses and waterways, providing an enhanced setting and other land uses and improved opportunities for outdoor recreation, nature conservation and landscape enhancement. The GSN, which overlays Open Space, Green Belt, Natural Heritage and other policies, indicates where greenspace enhancement projects could be focused. The GSN intends to avoid habitat fragmentation and supports a variety of functions. Figure 2 shows Aberdeen's Green Space Network (taken from proposed Aberdeen Local Development Plan 2010).

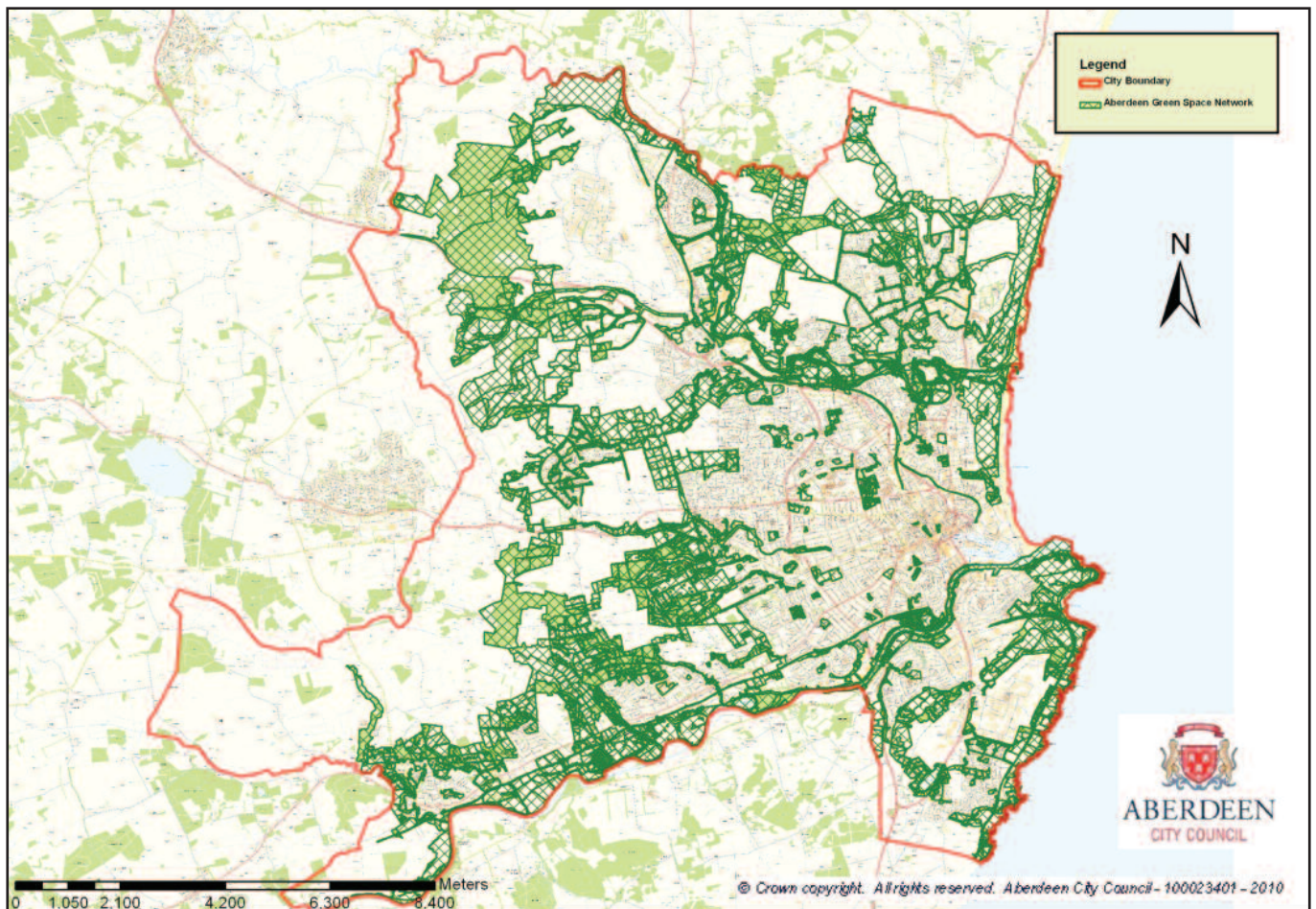


Figure 2

Aberdeen's Greenspace Network

(taken from proposed Aberdeen Local Development Plan 2010)

A Geographic Information System (GIS) database has been developed alongside this Strategy to demonstrate the rationale for selecting GSN, as well as co-ordinating strategic and community demand for enhancements. This GIS tool should be seen as a resource for anyone with an interest in enhancing Aberdeen's natural environment and open spaces. An extract of the GIS database tool is shown in figure 3.

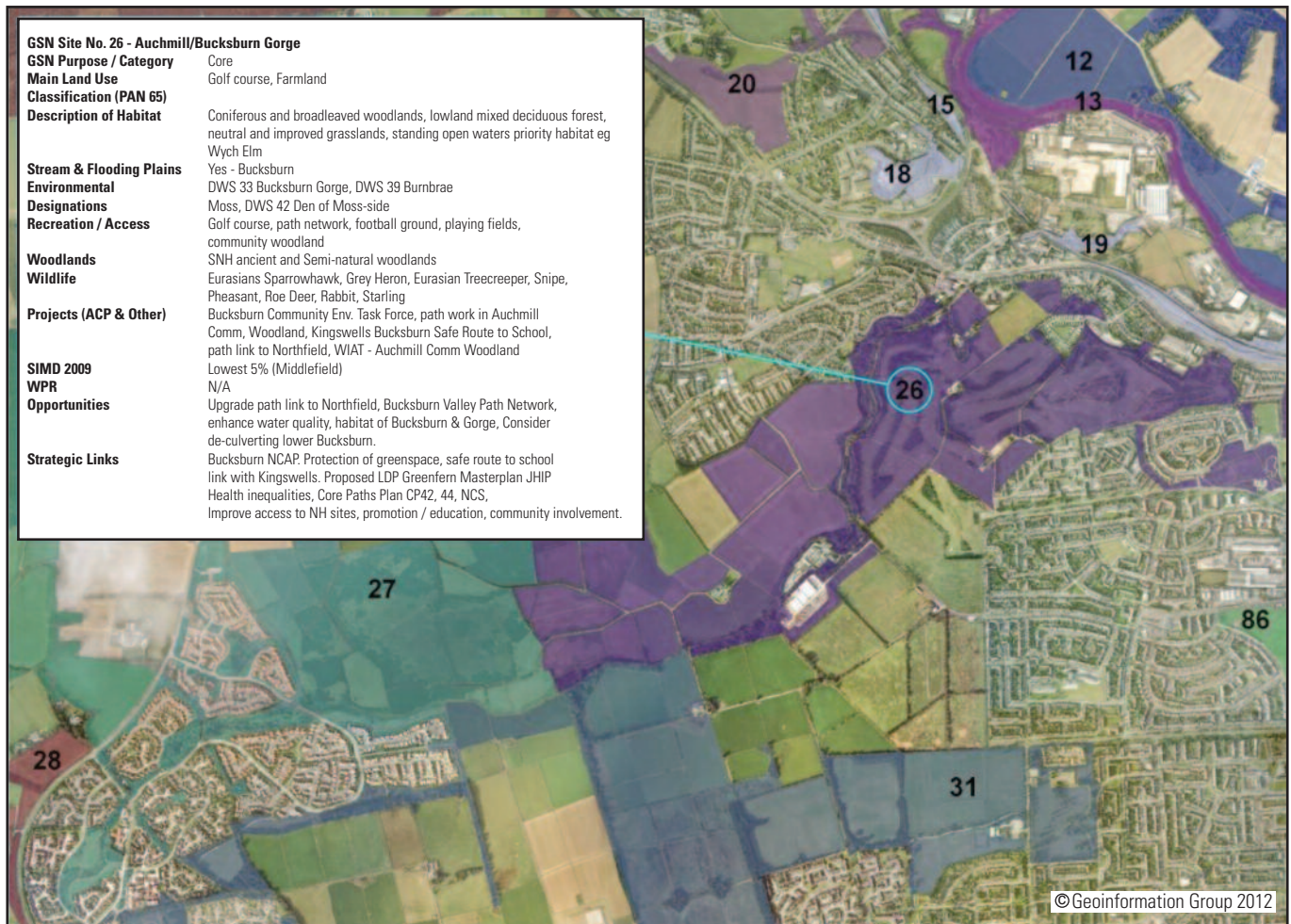


Figure 3

Financial Context

Aberdeen City Council, along with the rest of the country, faces challenging financial times. The Council has produced a Five-Year Business Plan, outlining its priorities and the ways in which it will make the savings required to ensure long term financial stability. This Strategy considers the current financial situation at its core and focuses on supporting innovative and sometimes radical new ways of working in order to ensure the Strategy is deliverable and its objectives are achieved. The details are provided in chapter 5 and the Action Plan in section 7 identifies the resources to deliver the various actions of the Strategy.

CHAPTER 3

Open Space Audit

The Process

Aberdeen City Council carried out an Open Space Audit to give a clear and robust understanding of open spaces in Aberdeen, including its distribution, quality, quantity and accessibility.

Open Space Audit data collection

The open space audit was carried out according to national best practice guidance from Greenspace Scotland and the Scottish Government. It combines the information collected by earlier relevant projects along with site assessments and community engagement carried out in 2009 and 2010. The audit process is outlined in figure 4.



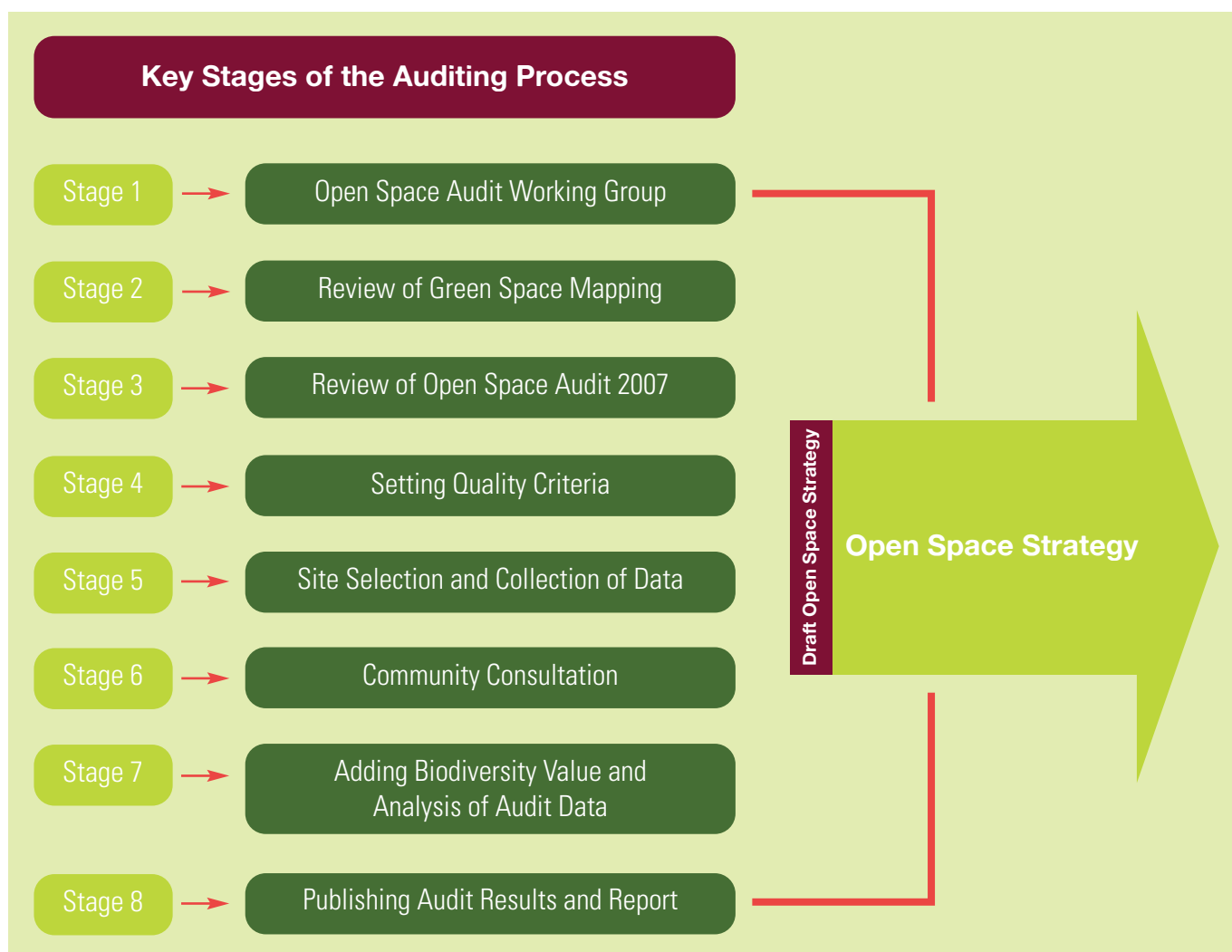


Figure 4

Major Findings

Aberdeen has many high quality, well used public parks and open spaces although these tend not to be very evenly distributed across the City. The most densely populated areas, particularly the city centre has the least open space, with limited opportunities to create more.

The regeneration priority areas tend to have the poorest quality open spaces and some of these areas also lack in the quantity of provision. The post-1960s residential developments around the outer areas of the city have the greatest quantities of open space. Much of this is amenity ground which are usually poor in quality and costly to maintain. The audit also found that there are a very high number of small play spaces but many of them are poor quality.

The audit has identified 3471 hectares of open space (not including private gardens or sites under 0.2 hectares). This equates to 16.6 hectares per 1000 people (based on a population of 209,260 as estimated in 2007 by General Register Office for Scotland).

There are 160 equipped play spaces across the city. Tillydrone / Seaton / Old Aberdeen (91.8%) and Hilton / Stockethill (91.3%) have the greatest level of provision, with 92% and 91% of their residents within the recommended 400 metre threshold respectively. Hazlehead / Ashley / Queens Cross and Lower Deeside have the least access to equipped play spaces, with 29% and 46% respectively.

The wards around the outside of the built up area contain on average twice as many equipped play spaces as the more central wards. Many of the play spaces assessed in the audit are small sites containing very few items of play equipment. The details are provided in Appendix 2.

The city's public parks and gardens and green access routes score highest in terms of quality (17 out of 25). This is reflected in the community engagement undertaken as part of the audit as respondents were most satisfied with the city's public parks and gardens, with 60% rating them as good or excellent. Natural green space and green corridors were rated second and third in terms of customer satisfaction.

Allotments and business amenity open space score most poorly (12 out of 25). When considering the three types of amenity open space – residential, business and transport – together, they also score poorly, with a total average score of 13 out of 25. The community engagement carried out as part of the audit broadly concurs with this conclusion – the type of open space that respondents were least satisfied with was amenity open space, with 35% of respondents rating it poor or fair.

The audit found that Hazlehead / Ashley / Queens Cross and Torry / Ferryhill wards have the highest quality open spaces, both having an average quality score of 16 out of 25. Northfield and Hilton / Stockethill have the poorest quality sites with an average quality score of 11 out of 25.

The largest categories of the city's open spaces are woodlands 22% and open, semi-natural grounds 21%. The third largest type is golf courses. However when the three types of amenity open space – residential, business and transport – are combined, they are third largest, covering 18% of the city's open spaces.

Distribution of Open Spaces by City Wards

Audit results showed that open spaces are not evenly distributed across the city. Among the city wards Dyce, Bucksburn and Danestone and Lower Deeside have the most open space while Hilton and Stockethill and George Street and Harbour have the least. Dyce / Bucksburn / Danestone has some large areas of woodland at Parkhill, Kirkhill and Craibstone, as does Lower Deeside, with Foggieton, Denwood and Countesswells Woods. Bridge of Don has the third highest amount of open space, which is largely made up of the golf courses along the coast and Scotstown Moor / Perwinnes Moss and Don Mouth District Wildlife Site (DWS).

Although it is useful to consider the distribution of open space across each area of the city, a limitation with this is that the position of ward boundaries can lead to an incomplete picture. For example, the Northfield ward has the third least amount of open space of all the wards, however immediately outside this ward's boundary is a large area of playing fields, a community woodland, and golf course. Figure 5 shows the details of open spaces according to the city wards.

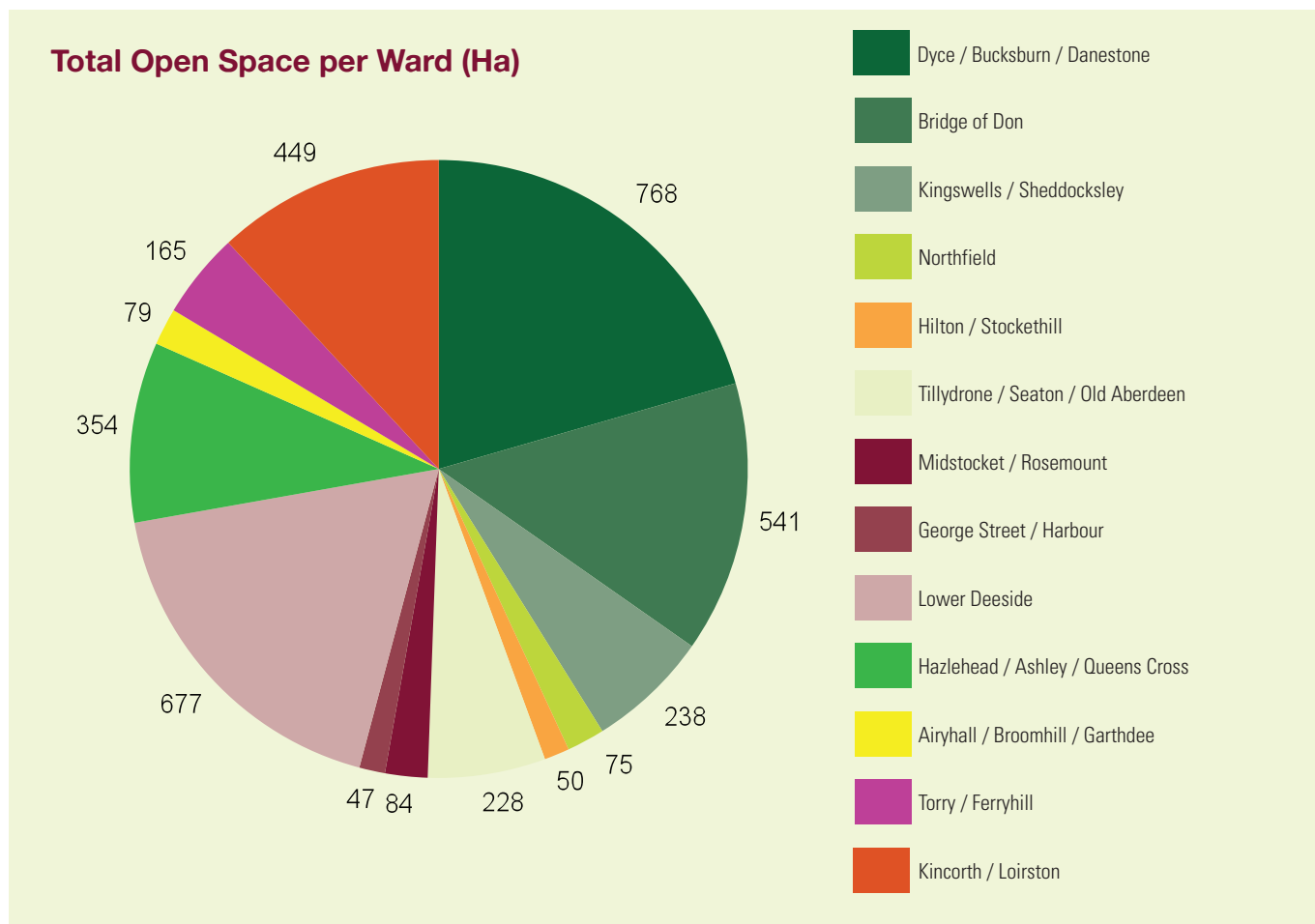


Figure 5

The audit results showed that most of the city's residents are within 500 metres of natural open spaces. Hilton / Stockethill, Kincorth / Loriston and Dyce / Bucksburn / Danestone have the greatest level of provision of natural open space, with close to 100% of their residents within the recommended distance. George Street / Harbour has the least access to natural open spaces with 45% of residents within 500 metres of these sites. It is important to note that while over 86% of all households in the city are within 500m of natural and semi-natural open space, not all sites are easily accessible to the public. Details are provided in Appendix 2.

The community engagement exercise concluded that natural or semi-natural greenspace or woodland is the most well used type of open space, with 73% of respondents indicating that they use these spaces more than a few times a month. They were also rated second highest in terms of satisfaction, with 51% rating them good or excellent.

Case Study - Deer Road Park



Despite its wider prosperity, there are pockets of serious deprivation within the city of Aberdeen. The Woodside community is recognised as being one of six regeneration “priority areas” by Aberdeen City Council.

As part of the Council’s ongoing regeneration efforts, a local park in the Woodside area was restored and upgraded. The existing Deer Road Park was largely unused and undervalued by the local community. It consisted of a few pieces of old, neglected play equipment and two goal posts without a proper football pitch. The park was surrounded on two sides by a seven foot chain link fence that had such large gaping holes, it served no useful purpose.

This project – a collaboration between Auld Woodside Action Group, Aberdeen Greenspace, Aberdeen City Council, Station House Media Unit, Scottish Natural Heritage and North Sound Radio – has brought about the complete regeneration of the park. New post and rail fencing has been erected, with much of the labour provided by local volunteers. Modern play equipment was installed along with a surface games pitch and new tarmac path. Native trees, hedges and bulbs were also planted to make the park much more attractive for people and wildlife.

The results have been remarkable and Woodside now has a park that the community designed, delivered and has pride in. The park is well used and the project has also brought positive publicity to the area.

Before the improvement



After the improvement



Throughout the audit and Strategy preparation process it has been clear that the quality, accessibility, management and maintenance of open space are the key issues concerning the public, rather than necessarily the provision of more open space. However in some wards quantity was an issue as well as quality, accessibility, management and maintenance. Details of the audit findings are provided in the Open Space Audit report.

Figure 6 shows the over all quality of the open spaces across the city. The figure shows red being low quality open spaces and green as high quality at scale of 1-25. The details of each type of these open spaces and individual site scores are provided in the Open Space Audit Report available at: www.aberdeencity.gov.uk/openspace

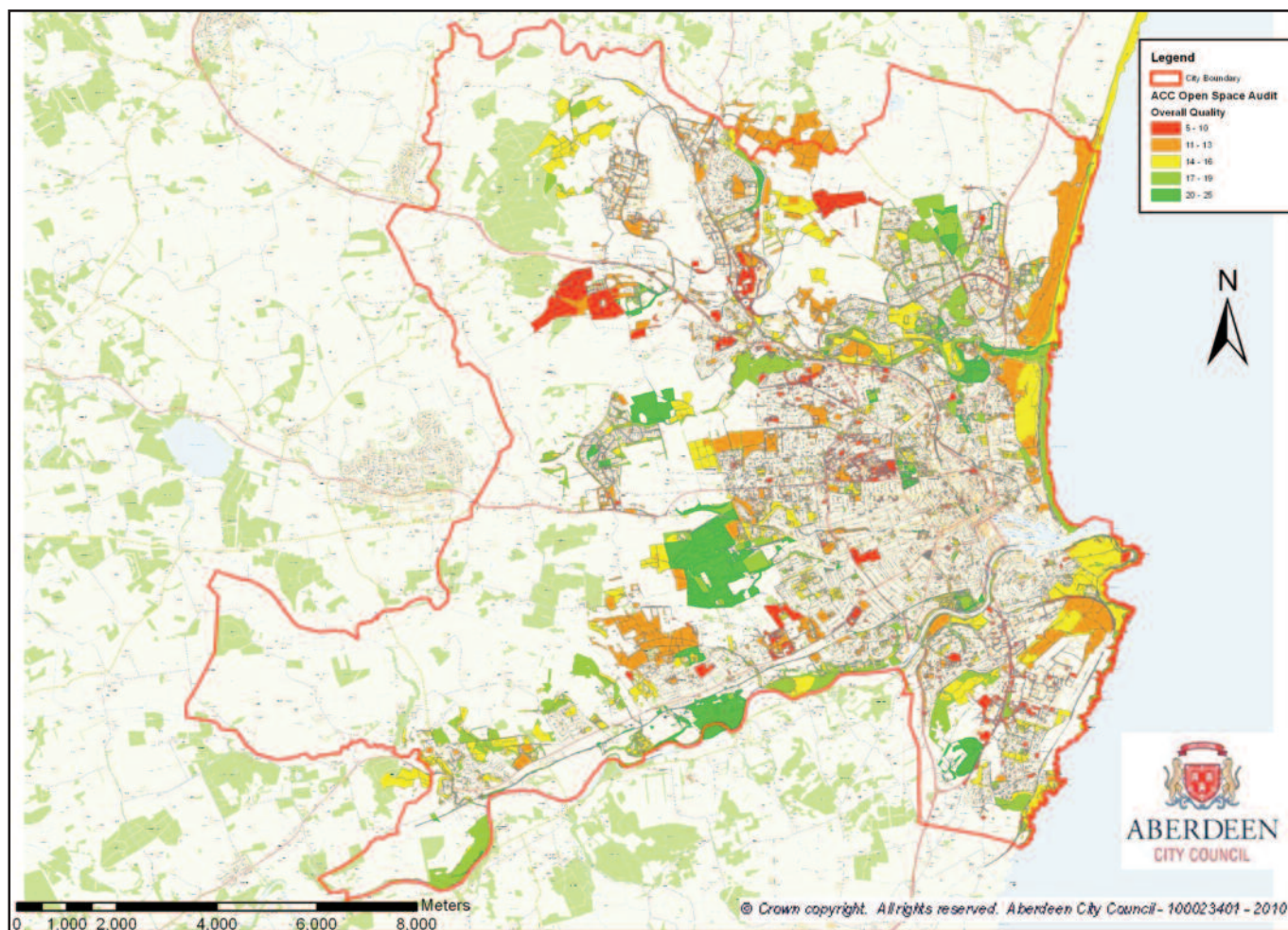


Figure 6

Open Space Quality

Figure 7 shows the quantity of major types of open spaces. The details of each type of open spaces according to PAN 65 Typology are provided in the open space audit report.

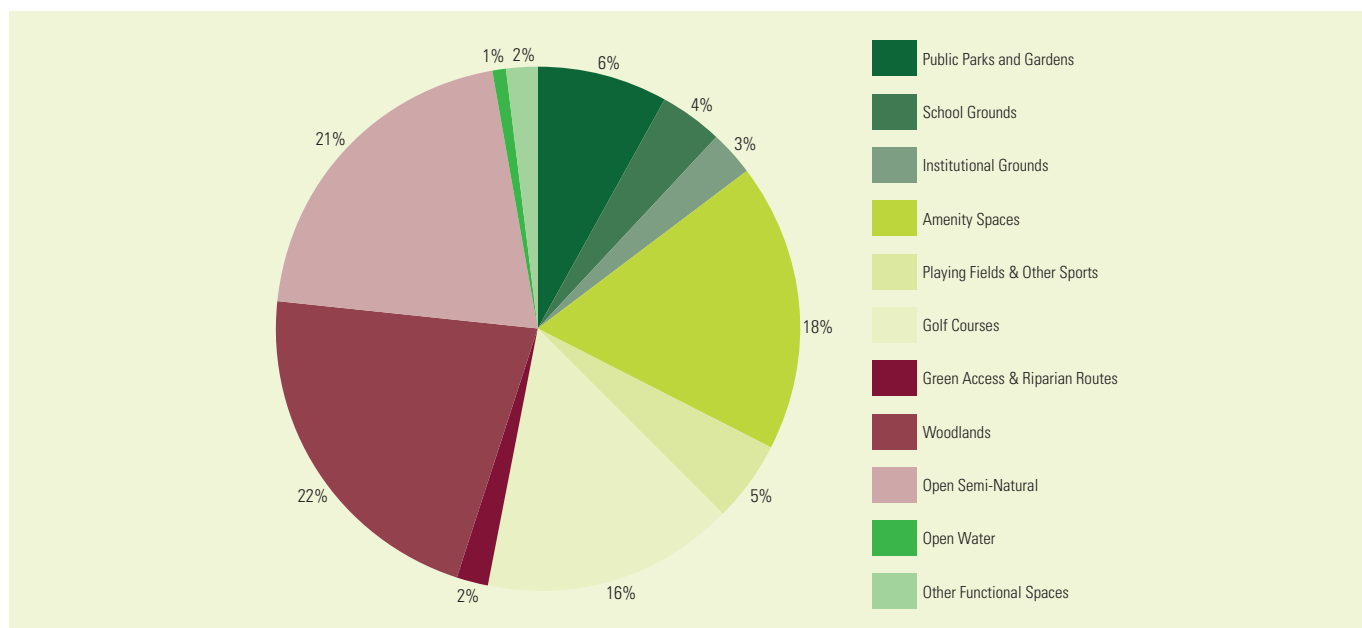


Figure 7

Case Study - Mastrick District Centre Regeneration Project

An Open Space area in the Mastrick District Centre has been improved by the community working closely with local shop keepers and local services. The improvement project has created an attractive, well designed and thriving civic space for the residents, shoppers and retailers.

A lack of site investment and maintenance over the years and pockets of antisocial behaviour had given the area a neglected feel. This deterioration in infrastructure, site access and overall appearance over time was seen as a key barrier to making best use of this area.

The community wanted to make the District Centre safer to use, more attractive, clean, and accessible and to improve the range of facilities. Community representatives and local services worked together via a neighbourhood planning partnership to produce an improvement plan and secured nearly £400,000 in funding from the Scottish Government's Town Centre Regeneration Fund, the Fairer Scotland Fund, Aberdeen City Council and Aberdeen Greenspace.

This investment has breathed new life into the open space areas and brought huge benefits to the community. The accessibility and overall appearance of the open space has improved, with newly designed pedestrianised and greenspace area, play equipment, bins and seating, noticeboards and trees and hedgerow planting.

The newly installed CCTV, shopsafe scheme and improved lighting have helped reduce anti-social behaviour, making the area safer to use for families. This project has also improved the socio-economic viability of the Centre area, with previously vacant retail units now occupied.



Police Officer Stewart Mackie supports the new play facility and improved pedestrian area beyond



Lord Provost Peter Stephen joins in with the community celebrations!

CHAPTER 4

Developing the Strategy

How the Strategy was developed?

The vision, aims and objectives for this Strategy were developed at three workshops attended by community, business and agency stakeholders. Further community consultation was carried out through six local events as well as several meetings with specific stakeholder groups.



Community Consultation Process

Community Consultation

The community consultation results reflect the findings of the open space ideas collected through this process and were used to develop the Strategy's action plan. In addition open space standards have been developed for new open spaces.

In addition to community consultation youth was also consulted to get their input into the Strategy. The local events focused on the vision, aims and objectives and sought the public's views and ideas on how to achieve these. A map-based exercise was also undertaken where people were asked to highlight the spaces they value most, as well as any ideas they had for changing or improving them.

The process followed to develop the Strategy is shown in Figure 8 below



Figure 8 – Open Space Strategy process



Open Space Standards

The Open Space Audit identified a need to review Aberdeen's Open Space Development Guidelines for Greenfield Sites (2001) in order to provide higher quality and more accessible open space, rather than simply quantitative provision. For this reason, standards on the quality and accessibility, as well as quantity of open space were developed. The new standards allow for situations where the Open Space Audit may suggest that improvements to the quality of existing open spaces could be more useful to the existing and future community in an area than purely the provision of new open space. Benchmarking with other local authorities, along with the consultation undertaken as part of the Audit and Open Space Strategy process were used to identify appropriate standards for quantity, accessibility and quality.

The open space standards, developed as a result of the Open Space Audit and in parallel with this Strategy, will guide the planning and development of future open spaces, ensuring an adequate supply of good quality and accessible open space. The standards are presented as part of Supplementary Guidance on Open Space and are a material consideration in the planning process. See www.aberdeencity.gov.uk/openspace.



Artist's Impression

© Image of Stoneywood Estate, produced by OPEN for Dandara Holdings Ltd.

CHAPTER 5

Delivery

Partnership Working

Successful implementation of this Strategy will require a partnership approach and joint working between various partners - private, public and voluntary sectors, along with the communities of Aberdeen.

There are already many partners who are actively involved in managing some of Aberdeen's open spaces and provide funding for specific projects, with many examples of good practice available. Joint working can achieve best results and also satisfy the multiple needs of the community.

Case Study - Split the Winds, Calsayseat, Powis

Aberdeen Greenspace worked with Froghall, Powis and Sunnybank Environmental Group to improve a small greenspace outside the Calsayseat Medical Centre. The area has few greenspaces and this one is important to the local community.

Staff at Aberdeen Greenspace discussed with the group how the space was currently used and their aspirations for the greenspace. A plan was drawn up and displayed in the Medical Centre asking for comments.

Once the plan was agreed seating was installed, trees and bulbs were planted by the community and Aberdeen Greenspace Volunteer Group. A hedge was planted to separate the space and screen the area from the noise of the neighbouring road traffic.

The planting has matured and the area is now well used by the community and has a real sense of tranquillity in an area busy with traffic.

Before the improvement



After the improvement



The Council's Five-Year Business Plan is looking for further development of partnership working and multi-agency approaches to the way services are delivered. The process of developing this Strategy has highlighted many opportunities in this regard, in relation to the cross-cutting aims and strategic objectives for open space.

Masterplanning

We will work with developers and ensure that quality open spaces are delivered through the masterplanning process in new developments as well as in the proposed regeneration areas within the city to meet the community needs.



© Image of the Former Davidson's Mill, produced by OPEN for the Stewart Milne Groups Limited, Manse (Aberdeen) Limited and Westhouse Estates Limited.



© Image of Greenferns, produced by OPEN for Aberdeen City Council.



Resources

Open space management and maintenance is a major issue facing the Council at present and in times to come. The Council's financial situation means that innovative and imaginative ways of looking after our open space resources and making the most of what resources we have are the key to delivering the aims of the Strategy.

Some of the Strategy's actions revolve around the need to explore various alternative resources - monetary and non-monetary, and innovative ways of managing and maintaining open spaces.

Case Study - Ashgrove Children's Centre Outdoor Play & Garden Project

This project was to develop the substantial greenspace around the centre offering opportunities for children and adults from the surrounding regeneration areas to work and play together, gain new skills, confidence and friendships, access nature, physical activities and opportunities for peace and quiet reflection.

The project involved installing a willow dome, building outdoor seating, and planting native trees and hedges. A wooden fence was erected to make the wildlife area safe and a number of planters were built and installed which will allow the children to grow plants from seed that will provide a splash of colour in summer.

The work was carried out by the Aberdeen Greenspace Volunteer Group. The children were involved in bulb planting.

The project has created sensory areas, wildlife garden space, winding pathways and hide aways, seating and planted areas, free space for bike areas to run around, a story garden and an imaginative play area. An outdoor space that can be used in all weathers, muddy puddles to play in, places to jump and roll in the grass, opportunities to nurture and grow things and stimulate the senses, to access physical play or be tranquil and observe.

This project, in partnership with Ashgrove Children's Centre, was funded through Aberdeen Greenspace, BAA Communities Trust and Scottish Natural Heritage.



Delivery Action Plan

An inter-departmental and inter-disciplinary working approach will be adopted within the Council to ensure its delivery. The priorities of this Strategy are based on the results of the open space audit and community consultations. The Strategy outlines the actions required to deliver quality, accessible and fit for purpose open spaces. The action plan outlined in section 7 provides the details of each objective and how they will be delivered through various actions and tasks. It assigns a high, medium or low priority to each action and identifies the major partners and services to take the lead on delivering each action. In some cases actions can apply to more than one objective.

CHAPTER 6

Monitoring and Evaluation

Monitoring the Strategy

Progress on the implementation of the Strategy will be monitored using the indicators highlighted in the action plan. Questions will be asked annually within the Aberdeen City Alliance survey framework, The City Voice, in order to monitor customer satisfaction. Land use change such as urban development and changes in the provision of open space will be monitored using GIS aerial photography.

Individual open space projects will be monitored and evaluated separately according to the project indicators and monitoring plan. The results will be published in the annual progress report in addition to the post-project evaluation report at the end of the project.

An Environmental Policy and Monitoring Group will oversee and monitor the progress of the Strategy's implementation in relation to the action plan and policy objectives. The group will meet quarterly to discuss the progress. An annual monitoring and evaluation report will be published showing the overall progress against Strategy objectives and outcomes of the actions.

Some specific monitoring tools such as a digital monitoring system will also be used to monitor the use of open spaces. Data collected will show the usage of these open spaces.

The Strategy will be reviewed and updated in 2016.

Case Study - Digital Monitoring

A digital monitoring system to monitor the number of visitors on key paths is used by Aberdeen City Council. Regional Transport Partnership, NESTRANS provided the funding for this project to support their investment in upgrading core paths throughout the city.

There are people counters installed at seven different locations across the city. The data from these provides information on the number of people using the paths and some can even distinguish between cyclists and walkers.



Automatic people counter

CHAPTER 7 Action Plan

Protect, enhance and value our environment for current and future generations							
CREATE, PROTECT AND ENHANCE GREEN SPACE NETWORK							
Aim	Sub-Action/Tasks	Key links to other Strategy objectives	Delivery/ Key Service/ Partners Lead in Bold	Resource Implication/ Funding	Priority: High, Medium, Low	Time Scale/ Target	Indicators/ Parameters
OBJECTIVE 1							
Actions							
1.1	Ensure green infrastructure (Green Space Network) is considered within new developments as a key form of necessary infrastructure	2, 4, 6, 8	*EP&I *P&SD	Officer Time	H	June 2011 - Sept 2011	Adoption of SPG
	1.1.1 Publish Supplementary Guidance on Open Space, including section on Green Space Network						
	1.1.2 Develop a Geographical Information System (GIS) layer explaining the rationale and priorities for improvement and development of the Green Space Network Policy. See Figure 2	4	EP&I P&SD	Officer Time	H	Sept 2011 - Dec 2012	Area of GSN enhanced or protected. Annual update of GIS database
	1.1.3 Promote the use of Green Space Network and associated GIS layer within the Council and to others for planning and development of open spaces	6, 8	EP&I P&SD	Officer Time	M	2011-2016	Number of workshops and seminars held to promote GSN
1.2	Work with developers, businesses, communities and landowners to raise awareness of Green Space Network and support its delivery	All	EP&I P&SD *H&E *ES	Officer Time	M	2011-2016	Number of communities and stakeholders involved per year
1.3	Prioritise the development of strategic new paths to form part of the Green Space Network by linking communities with open space and other key destinations	3, 4, 5, 8	EP&I H&E ES	Officer Time	M	2011-2016	Length of new linking paths
	1.3.1 Use the Open Space Audit results and core paths planning process to prioritise paths linking communities and green space network						

* Enterprise Planning & Infrastructure - EP&I * Planning and Sustainable Development - P&SD

* Housing & Environment - H&E * Environmental Services - ES

Ensure Aberdeen is an attractive and appealing place to enjoy living, working and investing in									
IMPROVE THE QUALITY OF OPEN SPACES									
Aim	OBJECTIVE 2	Sub-Action/Tasks	Key links to other Strategy objectives	Delivery/Key Service/Partners Lead in Bold	Resource Implication/Funding	Priority: High, Medium, Low	Time Scale/Target	Indicators/Parameters	
	2.1	Use the findings of the Open Space Audit to develop a strategic framework of short, medium and long term priority projects							
		2.1.1 Prepare a project plan prioritising open space enhancement projects	1, 2, 4, 8	EP&I P&SD	Officer Time	H	2012-2013	Completed Project Plan	
		2.1.2 Implement a project plan of prioritised open space projects	1, 2, 4, 8	H&E ES EP&I AG	Officer Time, External Grant	M	2012-2016	Number of projects completed and underway	
	2.2	Encourage good practice in design of new and existing open spaces							
		2.2.1 Improve public perceptions of safety and reduce anti-social behaviour by working with communities, community wardens and Grampian Police and other partners in the design of open spaces	1, 3, 4, 5, 6	EP&I P&SD H&E ES *EC&S	Officer Time	H-M	2011-2016	Improved perception of safety by communities (City Voice Monitoring) Number of reported incidents in open spaces Statements from public about their general fear of crime in open spaces	
		2.2.2 Implement Open Space Supplementary Planning Guidance	1, 6, 8	EP&I P&SD H&E ES	Officer Time	H	2011-2016	%age of open spaces achieving higher scores under the Open Space Audit Quality Criteria	
		2.2.3 Adopt Green Flag 'good' standard for open spaces	3, 4, 6	H&E ES	Officer Time	M	2011-2016	Achieve one Green Flag Award per year	
	2.3	Encourage public art in open spaces							
		2.3.1 Support Aberdeen City Council's Public Art Fund Project, working with universities, organisations and local artists to engage communities in public art projects in open spaces where appropriate	5, 6	EP&I P&SD H&E ES	Officer Time, External Grant, Planning Gain	L	2011-2016	Number of art projects promoted and completed	

* Enterprise Planning & Infrastructure - EP&I

* Planning and Sustainable Development - P&SD

* Education, Culture and Sport - EC&S

* Housing & Environment - H&E

* Environmental Services - ES

* Aberdeen Greenspace - AG

Ensure Aberdeen is an attractive and appealing place to enjoy living, working and investing in								
IMPROVE THE QUALITY OF OPEN SPACES								
Aim	OBJECTIVE 2	Sub-Action/Tasks	Key links to other Strategy objectives	Delivery/ Key Service/ Partners Lead in Bold	Resource Implication/ Funding	Priority: High, Medium, Low	Time Scale/ Target	Indicators/ Parameters
2.4	Review the distribution and quality of play spaces	2.4.1 Work with Aberdeen Play Forum and others to identify play spaces to be developed, enhanced or removed	3, 4, 5, 6, 8	EP&I P&SD H&E ES APF	Officer Time Partners	H	2011-2013	Complete review of play spaces Number of play spaces developed, enhanced or removed per year
		2.4.2 Implement the review of play spaces, making play spaces more natural and challenging where possible	3, 4, 5, 6, 8	H&E ES *APF	Officer Time, External Funding	M	2012-2016	%age of play spaces meeting Open Space Supplementary Guidance standards on play space

* Enterprise Planning & Infrastructure - EP&I

* Housing & Environment - H&E

* Planning and Sustainable Development - P&SD

* Environmental Services - ES

* Aberdeen Play Forum - APF

Aim	Provide good and equitable access to a network of quality open spaces that promote stronger, responsible and proud communities									
OBJECTIVE 3	PROVIDE WELL MAINTAINED AND MANAGED OPEN SPACES, BALANCING AVAILABLE RESOURCES WITH COMMUNITY DEMAND									
Actions	Sub-Action/Tasks	Key links to other Strategy objectives	Delivery/Key Service/Partners Lead in Bold	Resource Implication/Funding	Priority: High, Medium, Low	Time Scale/Target	Indicators/Parameters			
3.1 Review, write and implement open space management and maintenance plans that fit with the objectives in this Strategy	3.1.1 Prepare a project plan prioritising management plans to be reviewed and developed	All	H&E ES EP&I P&SD	Officer Time Partners	M	2011-2012	Number of Plans, reviewed, written and implemented			
	3.1.2 Involve communities in the development of management plans for open spaces	All	H&E ES EP&I	Officer Time	H	2011-2013	%age of open space sites with management plans			
	3.1.3 Involve communities in the review of existing management plans, with a view to finding more environmentally sustainable and cost effective means of maintaining open space	All	H&E ES EP&I P&SD	Officer Time	H	2011-2013	Number of management plans reviewed. Instruments and methods to involve citizens in the design and planning process of open spaces and to inform them about the project			
3.2 Provide and promote site management information	3.2.1 Use most appropriate media for providing management information including for example web-based resources, podcasts, site signage, interpretation panels, open days and leaflets	2, 5, 6, 8	H&E ES EP&I P&SD *EC&S	Officer Time	M	2011-2016	Number of sites with appropriate level and type of information available			
	3.2.2 Review existing and necessary site information as part of management planning process (see actions 3.1.2 and 3.1.3)		EP&I P&SD H&E ES EC&S	Officer Time	M	2011-2013	%age of open space sites with management plans			

* Enterprise Planning & Infrastructure - EP&I

* Planning and Sustainable Development - P&SD

* Education, Culture and Sport - EC&S

* Housing & Environment - H&E

* Environmental Services - ES

Provide good and equitable access to a network of quality open spaces that promote stronger, responsible and proud communities									
PROVIDE WELL MAINTAINED AND MANAGED OPEN SPACES, BALANCING AVAILABLE RESOURCES WITH COMMUNITY DEMAND									
Aim	OBJECTIVE 3	Sub-Action/Tasks	Key links to other Strategy objectives	Delivery/Key Service/Partners Lead in Bold	Resource Implication/Funding	Priority: High, Medium, Low	Time Scale/Target	Indicators/Parameters	
3.3	Support communities and organisations who express an interest in community-led maintenance of open spaces	3.3.1 Develop and promote web based resource for community groups and local businesses to form park user groups such as 'Friends of' groups	1, 2, 6	EP&I P&SD H&E ES EC&S AG	Officer Time Explore Project Funding	M	2011-2014	Number of active park user groups established	
		3.3.2 Support award schemes that encourage community and others' involvement in open space management, such as 'Aberdeen in Bloom'	2, 3, 5, 6, 7	EP&I H&E CC	Officer Time	M	2011-2016	Number of communities involved	
		3.3.3 Involve schools in design and management of open spaces	All	EP&I *AYC *CC	Officer Time	M	2011-2016	Number of schools involved in design and management of open spaces	
3.4	Explore alternative models for delivering open space management and maintenance service	3.4.1 Undertake a feasibility study of alternative models, e.g. Parks Trust	3, 7	EP&I P&SD H&E ES	Officer Time Explore Project funding	H	2011-2014	Complete feasibility study	

* Education, Culture and Sport - EC&S

* Aberdeen Greenspace - AG

* Planning and Sustainable Development - P&SD

* Environmental Services - ES

* Enterprise Planning & Infrastructure - EP&I

* Housing & Environment - H&E

* Community Councils - CC

Aim Provide good and equitable access to a network of quality open spaces that promote stronger, responsible and proud communities

IMPROVE ACCESS TO AND WITHIN OPEN SPACES									
OBJECTIVE 4	Sub-Action/Tasks	Key links to other Strategy objectives	Delivery/ Key Service/ Partners Lead in Bold	Resource Implication/ Funding	Priority: High, Medium, Low	Time Scale/ Target	Indicators/ Parameters		
4.1	Provide information on how to access open spaces in Aberdeen	4.1.1 Produce access information, such as path maps, bus routes, cycling routes, leaflets and interpretation panels, newsletters, media articles etc and create a web based resource to coordinate leaflets and other guidance	EP&I P&SD H&E ES AG	Officer Time	M	2011-2013	Number of promotion material produced		
		4.1.2 Disseminate information using local neighbourhood and park notice boards, tourist board and explore use of social network web-based services	EC&S P&SD H&E ES	Officer Time	M-L	2011-2016	Number of promoted sites		
4.2	Support the implementation of the Core Paths Plan	4.2.1 Deliver the Core Paths Plan programme for signage and interpretation	EP&I P&SD ES	Officer Time, External Grant Funding	H	2011-2016	Length of way-marked core paths		
4.3	Encourage the integration of access with other policy areas such as transport, health, economy and biodiversity	4.3.1 Work with Local Transport Strategy team, NESTRANS, NHS, AG, Forestry Commission Scotland, bus companies, SNH, communities and other partners to integrate access to the outdoors with other policy areas	EP&I P&SD EC&S H&E, ES *SNH AG *FC	Officer Time External Funding	M-L	2011-2016	Number of linkages developed		
4.4	Use the Open Space Audit findings to identify priorities for improving access to specific open space types	4.4.1 Review Aberdeen's Sports Pitch Strategy	EC&S EP&I H&E Sport Scotland	Officer Time	H	2011-2016	Complete review of Pitch Strategy		

* Enterprise Planning & Infrastructure - EP&I
* Housing & Environment - H&E
* Scottish Natural Heritage - SNH

* Planning and Sustainable Development - P&SD
* Environmental Services - ES
* Forestry Commission - FC

* Education, Culture and Sport - EC&S
* Aberdeen Greenspace - AG

Promote and facilitate healthier life styles										
INCREASE THE VALUE AND USE OF OPEN SPACES FOR HEALTH, EDUCATION, PLAY AND LIFELONG LEARNING										
Aim	OBJECTIVE 5	Sub-Action/Tasks	Key links to other Strategy objectives	Delivery/ Key Service/ Partners Lead in Bold	Resource Implication/ Funding	Priority: High, Medium, Low	Time Scale/ Target	Indicators/ Parameters		
	5.1	Encourage schools and educational institutions to use open spaces	3, 4, 5, 6, 7, 8	EC&S H&E EP&I	Officer Time External Grants	M	2011-2016	Number of groups involved and total number of hours that pupils are educated directly in open spaces for example Aberdeen City Council Ranger Service outdoor learning programme		
		5.1.1 Support Curriculum for Excellence by encouraging outdoor learning								
		5.1.2 Promote, support and advertise Green Flag Awards initiatives in schools	3, 4, 5, 6, 7, 8	EC&S P&SD H&E ES	Officer Time	M	2011-2016	Number of schools involved and green flag awards achieved		
		5.1.3 Work with Schools and Youth Council in design and management of open spaces	3, 4, 5, 6, 7, 8	EC&S EP&I H&E	Officer Time	M	2011-2016	Include within management planning process		
	5.2	Promote responsible access to open spaces	1, 3, 4, 6, 8	EP&I P&SD H&E ES SNH AG	Officer Time External Grants	L	2011-2016	Reduction in number of complaints about user conflicts		

* Education, Culture and Sport - EC&S

* Aberdeen Greenspace - AG

* Planning and Sustainable Development - P&SD

* Environmental Services - ES

* Enterprise Planning & Infrastructure - EP&I

* Housing & Environment - H&E

* Scottish Natural Heritage - SNH

Promote and facilitate healthier life styles									
Aim	Promote and facilitate healthier life styles								
OBJECTIVE 5	INCREASE THE VALUE AND USE OF OPEN SPACES FOR HEALTH, EDUCATION, PLAY AND LIFELONG LEARNING								
Actions	Sub-Action/Tasks	Key links to other Strategy objectives	Delivery/ Key Service/ Partners Lead in Bold	Resource Implication/ Funding	Priority: High, Medium, Low	Time Scale/ Target	Indicators/ Parameters		
5.3 Promote active and healthy lifestyles	5.3.1 Work with NHS Grampian and other partners to promote the health benefits of open space and outdoor recreation and active travel	2, 4, 7, 8	EP&I P&SD EC&S H&E ES *NHS	Officer Time	M	2011-2016	Increase in number of users to open spaces. Results of annual surveys through city voice questionnaire		
5.4 Enable and promote events in open spaces	5.4.1 Develop guidance to maximise the use of open spaces for events e.g corporate days	4, 6, 7	EP&I P&SD H&E ES	Officers Time	M-L	2013-2016	Type of guidance developed		
	5.4.2 Work with event organisations, businesses and communities to encourage the use of open spaces for events	4, 6, 7	EP&I				Number and type of events held in open spaces		

* Enterprise Planning & Infrastructure - EP&I
* Housing & Environment - H&E

* Planning and Sustainable Development - P&SD
* Environmental Services - ES

* Education, Culture and Sport - EC&S
* National Health Service - NHS

Ensure Aberdeen is an attractive and appealing place to enjoy living, working and investing in									
Aim	SEEK BUSINESS, COMMUNITY AND OTHER AGENCY INVOLVEMENT								
OBJECTIVE 6	Sub-Action/Tasks	Key links to other Strategy objectives	Delivery/ Key Service/ Partners Lead in Bold	Resource Implication/ Funding	Priority: High, Medium, Low	Time Scale/ Target	Indicators/ Parameters		
6.1 Develop private, public and voluntary partnerships	6.1.1 Develop a strategic framework of projects to attract support from various sources	All	EP&I P&SD AG SNH	Officer Time Planning gain	H	2011-2014	Complete framework		
	6.1.2 Encourage school / youth and Corporate Social Responsibility support for open spaces	All	EP&I P&SD H&E, ES AG	Officer Time Explore Funding	H-M	2011-2016	Number of partnership projects developed		
	6.1.3 Develop a multiple agency approach for improvement and investment of open spaces	All	H&E ES EP&I, P&SD EC&S	Officer Time External Funding	H-M	2011-2016	Number of partnership projects developed		
	6.1.4 Promote the Grant Finder funding sources database held by the External Funding Team	All	H&E ES	Officer Time	H	2011-2016	Number of projects entered or initiated in the grant funding database held by the Council		
6.2 Build capacity of communities to take responsibility for open spaces	6.2.1 Develop a Guide to Improving Your Open Spaces to facilitate community ownership and management of open spaces	1-7	EP&I P&SD H&E ES *GS	Officer Time External Funding	M	2012-2016	Complete Guide		

* Enterprise Planning & Infrastructure - EP&I * Planning and Sustainable Development - P&SD * Education, Culture and Sport - EC&S

* Housing & Environment - H&E * Environmental Services - ES * Aberdeen Greenspace - AG

* Scottish National Heritage - SNH * Greenspace Scotland - GS

Ensure Aberdeen is an attractive and appealing place to enjoy living, working and investing in

OBJECTIVE 6 SEEK BUSINESS, COMMUNITY AND OTHER AGENCY INVOLVEMENT

Aim	Sub-Action/Tasks	Key links to other Strategy objectives	Delivery/ Key Service/ Partners Lead in Bold	Resource Implication/ Funding	Priority: High, Medium, Low	Time Scale/ Target	Indicators/ Parameters
6.3 Encourage business, community and other agency involvement in the planning process, and active engagement in developing, enhancing and maintaining open spaces	6.3.1 Promote cross-service and external involvement in the masterplanning process for new developments and improvement of existing open spaces	1, 2, 3, 4, 5	EP&I P&SD EC&S ES H&E AG	Officer Time External Funding	H	2011-2016	Number of agencies and business involved and spaces maintained
6.4 Pursue income, sponsorship and other, in kind assistance to improve the quality and maintenance of open spaces	6.4.1 Research innovative and best practice examples of ways to support the maintenance of open spaces	1, 2, 3, 4	EP&I P&SD H&E, ES EC&S AG	Officer Time	H	2011-2014	£s or equivalent provided towards open space projects and maintenance
	6.4.2 Promote and support "adopt a park" or "adopt a path" type schemes for communities or businesses	1, 2, 3, 4	EP&I P&SD H&E ES	Officer Time	H	2011-2014	£s or equivalent provided towards open space projects and maintenance
	6.4.3 Explore opportunities for fund raising at events for reinvestment in open spaces	1, 2, 3, 4, 5	EP&I P&SD H&E, ES	Officer Time	M	2012-2014	Complete and disseminate events guidance
6.5 Establish an Open Space Forum to promote, encourage and oversee community based projects and share skills and experience	6.5.1 Co-ordinate through existing forums where appropriate	All	EP&I P&SD	Officer Time	H	2012-2016	Number of meetings held Recorded minutes and information shared

* Enterprise Planning & Infrastructure - EP&I

* Planning and Sustainable Development - P&SD

* Education, Culture and Sport - EC&S

* Housing & Environment - H&E

* Environmental Services - ES

* Aberdeen Greenspace - AG

Ensure Aberdeen is an attractive and appealing place to enjoy living, working and investing in								
RECOGNISE THE ECONOMIC, ENVIRONMENTAL AND SOCIAL VALUE OF OPEN SPACES								
Aim	OBJECTIVE 7	Sub-Action/Tasks	Key links to other Strategy objectives	Delivery/ Key Service/ Partners Lead in Bold	Resource Implication/ Funding	Priority: High, Medium, Low	Time Scale/ Target	Indicators/ Parameters
	7.1 Promote the economic, environmental and social value of open spaces to all users	7.1.1 Produce and implement a Promotion Plan for highlighting the environmental, social and economic value of open spaces	1, 2, 3, 5, 6	EP&I P&SD H&E ES AG	Officer Time	M	2012-2014	Complete Promotion Plan. Initiatives taken that enable an open space to create income
		7.1.2 Identify best practice examples of community projects and local 'champions' to help promote local open spaces	1, 2, 3, 5, 6	H&E ES EP&I P&SD EC&S AG, SNH		M	2011-2016	Number and types of case studies collected Types of economic activities

* Enterprise Planning & Infrastructure - EP&I

* Housing & Environment - H&E

* Scottish National Heritage - SHN

* Planning and Sustainable Development - P&SD

* Environmental Services - ES

* Education, Culture and Sport - EC&S

* Aberdeen Greenspace - AG

Protect, enhance and value our environment for current and future generations							
Aim	MAXIMISE OPPORTUNITIES TO MITIGATE AND ADAPT TO CLIMATE CHANGE AND FURTHER BIODIVERSITY						
OBJECTIVE 8	Sub-Action/Tasks	Key links to other Strategy objectives	Delivery/ Key Service/ Partners Lead in Bold	Resource Implication/ Funding	Priority: High, Medium, Low	Time Scale/ Target	Indicators/ Parameters
8.1 Support the delivery of Aberdeen City's Nature Conservation Strategy and Local Biodiversity Action Plan	8.1.1 Design and manage open spaces to benefit biodiversity	1, 2, 3, 5, 6, 7	EP&I P&SD H&E ES *LBAP AG SNH	Officer Time External Grant Funding Partnership Working	H-M	2011-2016	No loss in number and area of DWS. No loss in number of biodiversity action plan species and habitats present in Aberdeen Area of invasive non-native plant species controlled in Aberdeen Area of natural and semi-natural habitats enhanced Number of Management Plans for existing sites to enhance biodiversity Number of management plans developed for new sites to enhance biodiversity Number of feeder boxes installed for Red Squirrel Number of transect surveys conducted for Red Squirrel Number of traps set up to control grey squirrel Number of grey squirrel culled per year

* Enterprise Planning & Infrastructure - EP&I
 * Housing & Environment - H&E
 * Local Biodiversity Action Plan - LBAP
 * Planning and Sustainable Development - P&SD
 * Environmental Services - ES
 * Scottish National Heritage - SNH
 * Aberdeen Greenspace - AG

Protect, enhance and value our environment for current and future generations									
Aim	MAXIMISE OPPORTUNITIES TO MITIGATE AND ADAPT TO CLIMATE CHANGE AND FURTHER BIODIVERSITY								
OBJECTIVE 8	Sub-Action/Tasks	Key links to other Strategy objectives	Delivery/Key Service/Partners Lead in Bold	Resource Implication/Funding	Priority: High, Medium, Low	Time Scale/Target	Indicators/Parameters		
8.2	Encourage Sustainable Urban Drainage Systems (SUDS) as valued, functional elements of open spaces	1, 2, 5, 7	EP&I H&E	Officer Time External Grant Funding	M	2012-2016	Include within Management Planning Process for sites		
8.3	Consider the use of open spaces for energy efficient/renewable energy and other technologies where appropriate	1, 2, 5, 7	EP&I P&SD	Officer Time	M	2012-2014	Number of case studies		
8.4	Protect open spaces for the role they play in flooding management, air quality, and furthering biodiversity	1, 2, 3, 5, 6, 7	EP&I P&SD H&E ES FC	Explore Funding Developers contribution	H	2011-2012	Adoption of Trees and Woodland Strategy		
	8.4.1 Support policies protecting open spaces within Aberdeen Local Development Plan	All	EP&I P&SD H&E	Officer Time	M	2011-2016	Open Space Audit Review 2015		
	8.4.2 Safeguard floodplains to ensure resilience against floods risk particularly in the context of climate change through development management, supporting Aberdeen Local Development Plan policies and other appropriate measure		ES SNH *SEPA Developer				Number of SUDS developed		

* Enterprise Planning & Infrastructure - EP&I

* Housing & Environment - H&E

* Scottish Environment Protection Agency - SEPA

* Planning and Sustainable Development - P&SD

* Environmental Services - ES

* Forestry Commission - FS

* Scottish Natural Heritage - SNH

Protect, enhance and value our environment for current and future generations									
Aim	MAXIMISE OPPORTUNITIES TO MITIGATE AND ADAPT TO CLIMATE CHANGE AND FURTHER BIODIVERSITY								
OBJECTIVE 8	Sub-Action/Tasks	Key links to other Strategy objectives	Delivery/Key Service/Partners Lead in Bold	Resource Implication/Funding	Priority: High, Medium, Low	Time Scale/Target	Indicators/Parameters		
8.5	Plant native and wildlife friendly species where appropriate in open spaces and highlight importance of plants, trees and shrubs in adapting to climate change	1, 2, 3, 6	H&E ES AG SNH EP&I	Officer Time FC Funding AG Funding Existing revenue budget	M	2011-2016	Number and types of trees planted Area planted by trees		
8.6	Encourage more environmental friendly design and management	1, 2, 3, 6	EP&I P&SD H&E	Officer Time	H	2011-2012	Adoption of Trees and Woodland Strategy		
8.7	Maximise the use of open spaces for sustainable travel and encouraging healthy lifestyles	1, 2, 3, 6, 7	H&E ES EP&I P&SD All other partners	Officer Time	M	2011-2016	Number of appropriate open spaces targeted for recycling facilities		
8.7.1	Work with Local Transport Strategy team, green space officers, and other partners to encourage use of open spaces for walking and cycling	1, 3, 4, 5, 6, 7	EP&I P&SD H&E ES	Officer Time Explore funding Partnership working	M	2011-2016	Increase in open space user number		

* Enterprise Planning & Infrastructure - EP&I

* Housing & Environment - H&E

* Planning and Sustainable Development - P&SD

* Environmental Services - ES

* Aberdeen Greenspace - AG

* Scottish Natural Heritage - SNH

Appendices

Appendix 1 PAN 65 Typology

Appendix 2 Maps

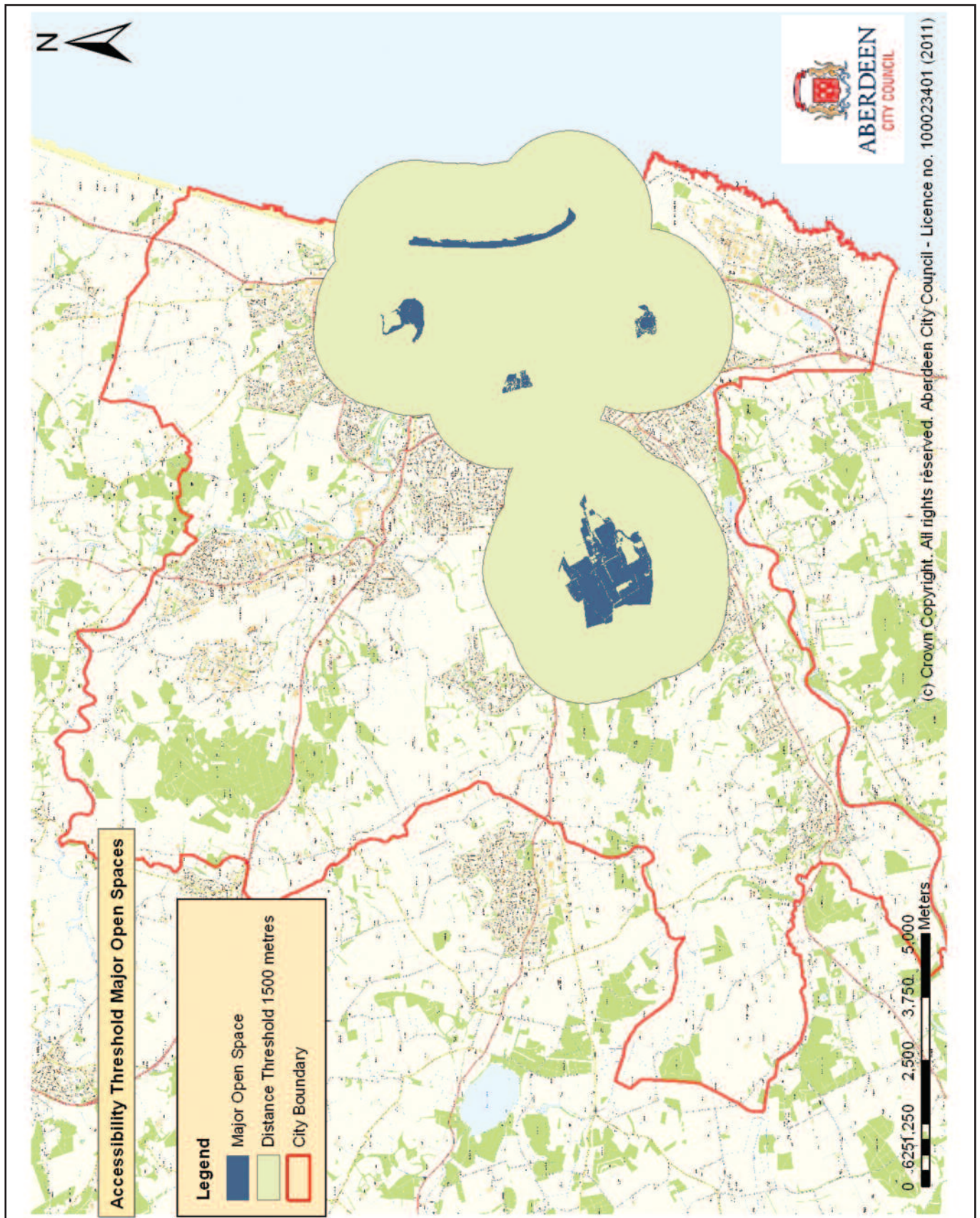
1	Major Open Spaces within distance threshold
2	Neighbourhood Open Spaces within distance threshold
3	Local Open spaces within distance threshold
4	Natural and Semi-Natural Open Spaces within distance threshold
5	Children and Young people Play Spaces within distance threshold
6	Allotments and Community Gardens within distance threshold

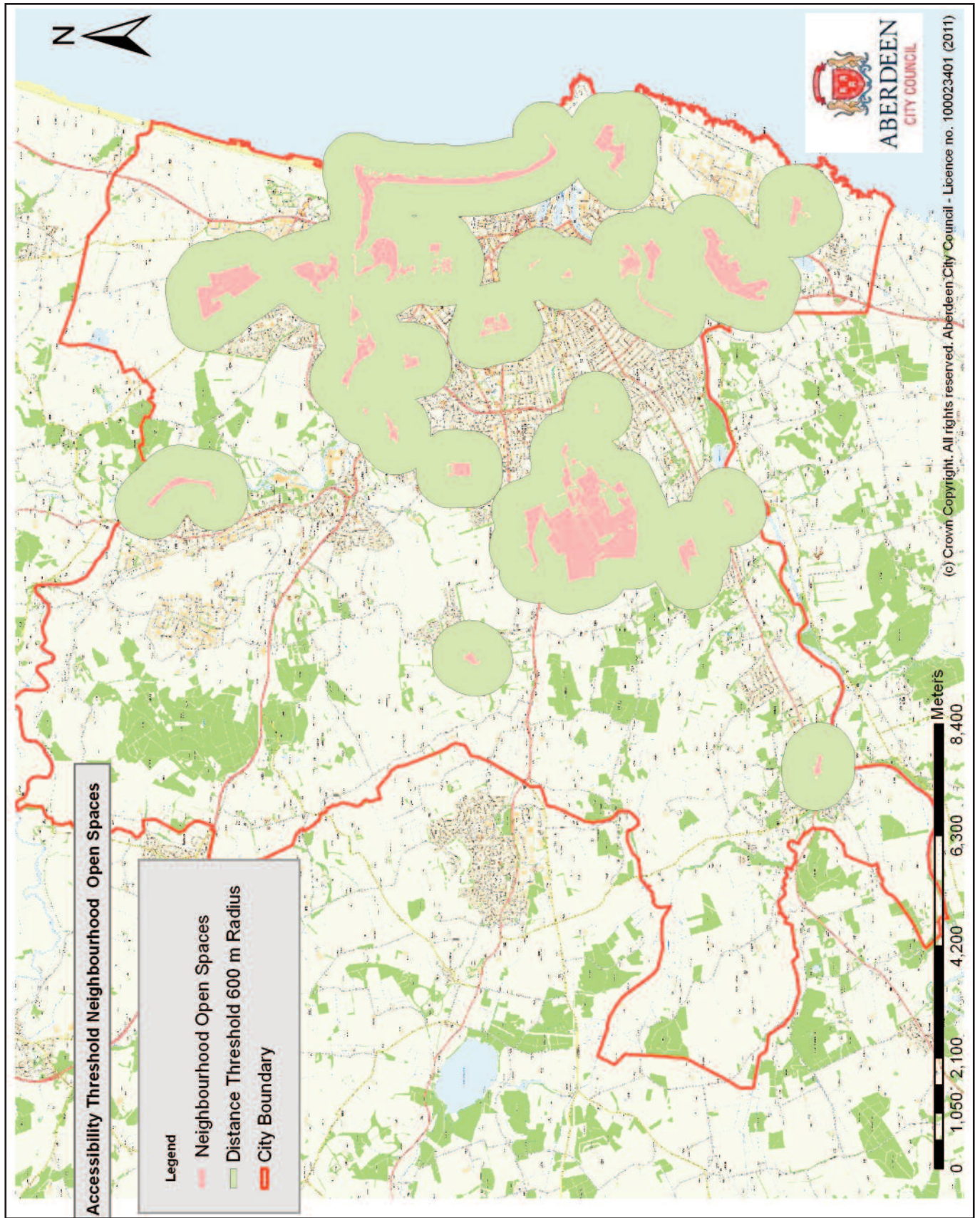
Appendix 1

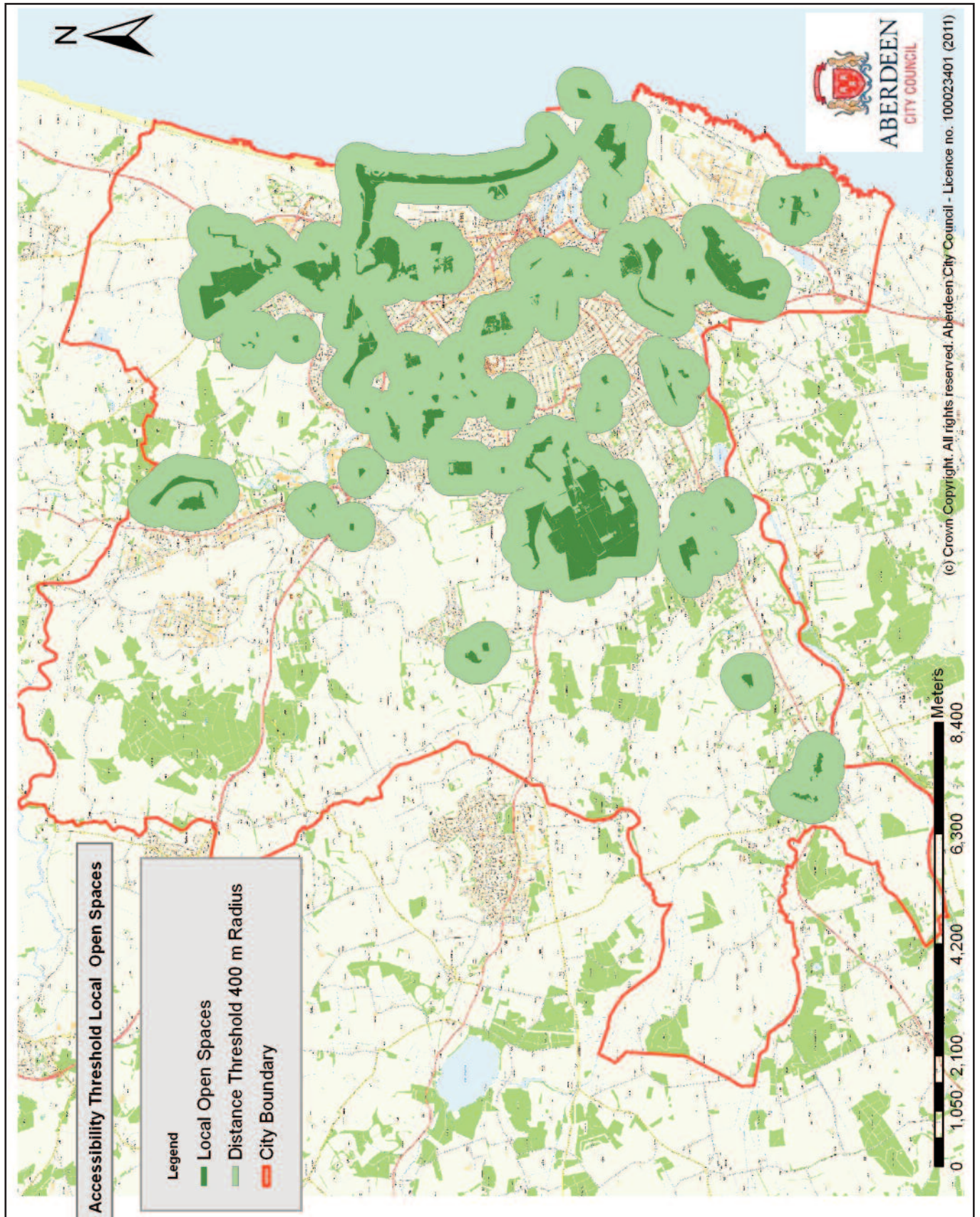
Table 1 Full land use classification incorporating PAN 65 Open Space Typology

	PAN 65 Typology	Full land use classification
Roads		1.1 Roads and tracks
		1.2 Roadside (manmade)
		1.4 Parking/loading
		1.5 Roadside (unknown)
Water		2.2 Tidal water
		2.3 Foreshore/rocks
Rail		3 Railway
Paths		4 Path
Buildings		5.1 Residential
		5.2 Commercial/Institutional
		5.3 Glasshouses
		5.4 Other structures
		5.5 Airports
PAN 65 Open Space	Public parks and gardens	6.1 Public park and garden
	Private gardens or grounds	6.21 Private gardens
		6.22 School grounds
		6.23 Institutional grounds
	Amenity greenspace	6.31 Amenity - residential
		6.32 Amenity - business
		6.33 Amenity - transport
	Playspace for children and teenagers	6.4 Playspace
	Sports Areas	6.51 Playing fields
		6.52 Golf courses
		6.53 Tennis courts
		6.54 Bowling greens
		6.55 Other sports
	Green corridors	6.61 Green access routes
		6.62 Riparian routes
	Natural/Semi-natural greenspace	6.71 Woodland
		6.72 Open semi-natural
		6.73 Open water
	Other functional greenspaces	6.81 Allotment
		6.82 Churchyard
6.83 Cemetery		
6.84 Other functional greenspace, e.g. caravan park		
Civic space		
Other open land		7.1 Farmland
		7.2 Moorland
		7.3 Other, e.g. landfill, quarries
		99 Areas undergoing change

Appendix 2







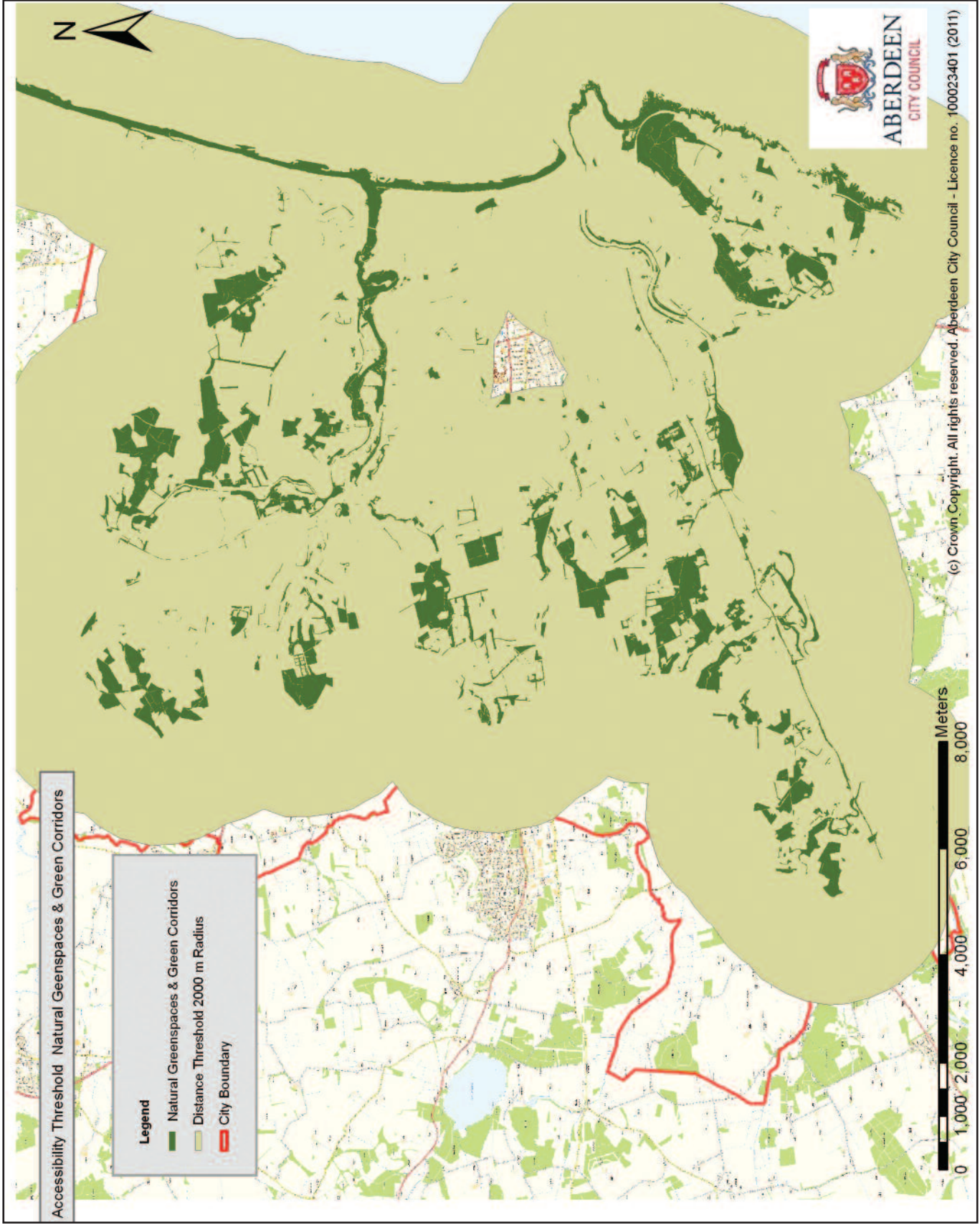


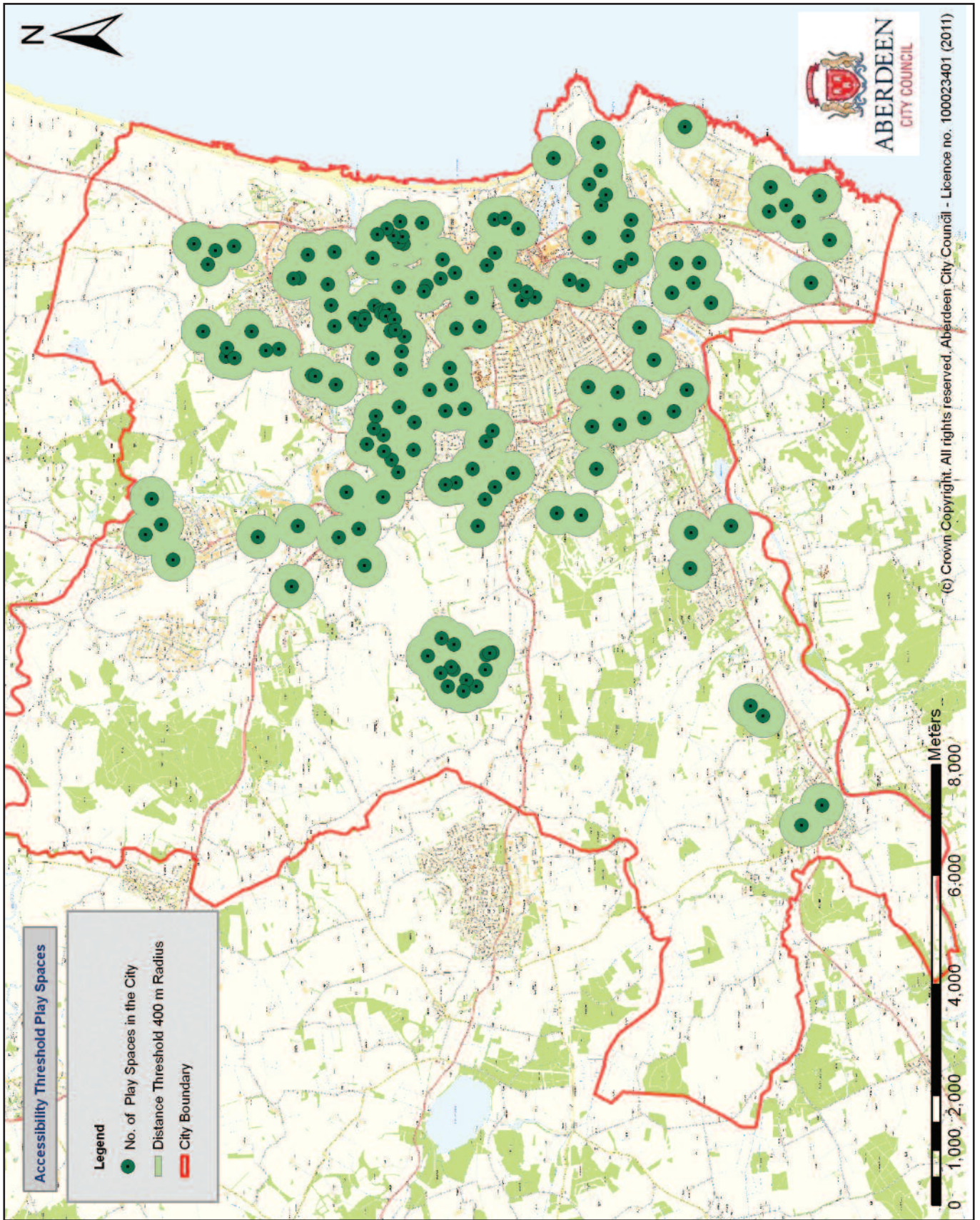
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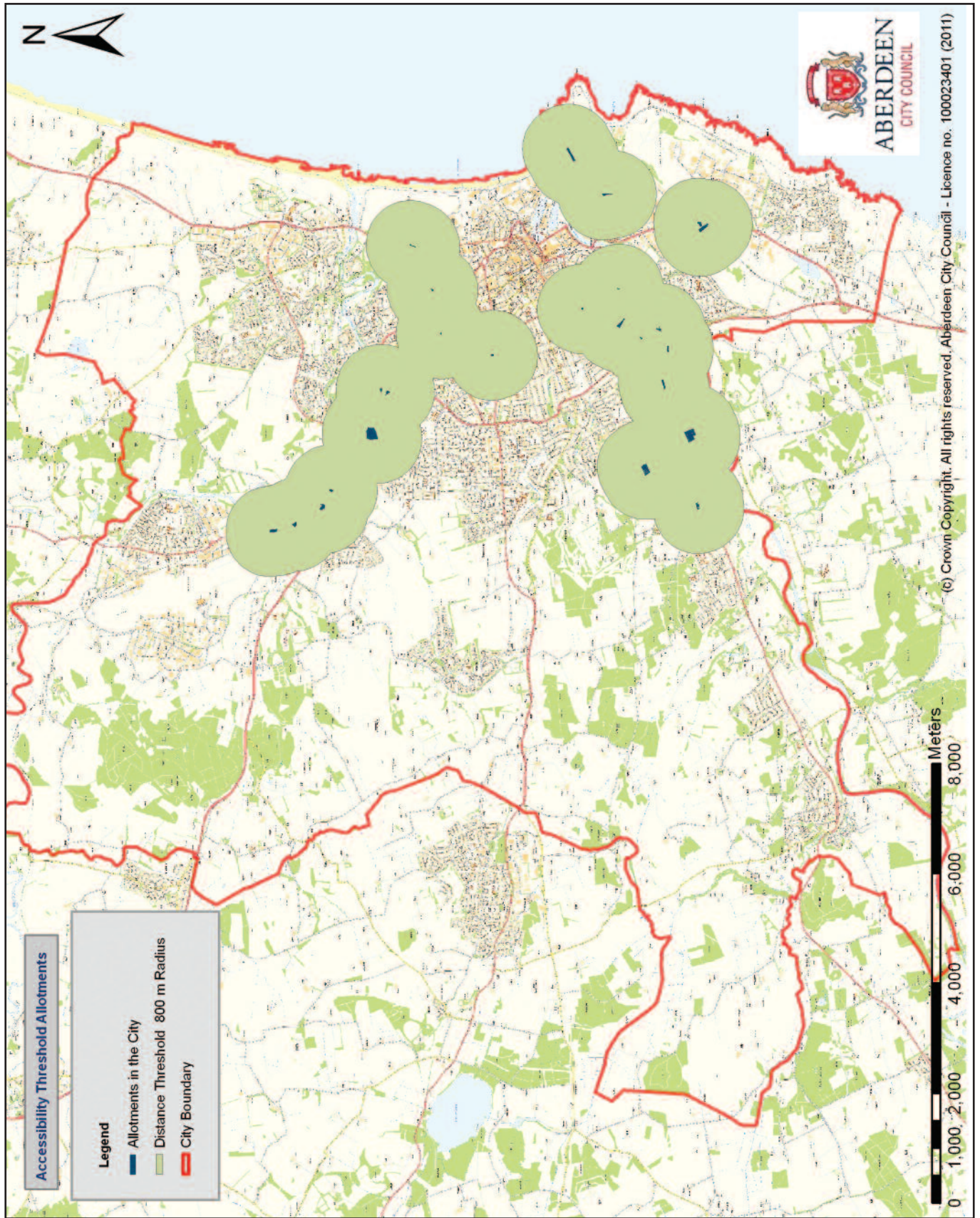
Accessibility Threshold Natural Greenspaces & Green Corridors

Legend

- Natural Greenspaces & Green Corridors
- Distance Threshold 2000 m Radius
- City Boundary







Abbreviations

AG	Aberdeen Greenspace
APP	Aberdeen Play Forum
AYC	Aberdeen Youth Council
BAP	Biodiversity Action Plan
DWS	District Wildlife Site
EC&S	Education Culture and Sport
EP&I	Enterprise Planning and Infrastructure
FCS	Forestry Commission Scotland
GSN	Green Space Network
H&E	Housing and Environment
JHI	Jame Hutton Institute (formerly known as Macaulay Land Use Research Institute)
LA	Local Authority/ies
LBAP	Local Biodiversity Action Plan
NESBReC	North East Scotland Biological Records Centre
NESTRANS	North East Scotland Transport
NHS	National Health Service
NESLBAP	North East Scotland Local Biodiversity Action Plan
SEPA	Scottish Environment Protection Agency
SNH	Scottish Natural Heritage
SPP	Scottish Planning Policy
SPG	Supplementary Planning Guidance
SUDS	Sustainable Urban Drainage Systems

Technical Terms

Biodiversity	Biodiversity is the variety of life including all living things from the smallest insect to the largest whale, as well as the environments they live in
Green Space Network	Green Space Network is a strategic network of woodland and other habitats, active travel and recreation routes, greenspace links, watercourses and waterways, providing an enhanced setting for development and other land uses and improved opportunities for outdoor recreation, nature conservation and landscape environment
Habitat	It is the natural environment in which an organism lives, or the physical environment that surrounds (influences and is utilized by) a species population
Monitoring	The mechanism to monitor continuous improvement and the status of the open spaces across the local authority area
Open Space Audit	An assessment and analysis of greenspace provision across a Local Authority area to establish the quality, quantity and accessibility of greenspace assets
Open Space Standard	PAN 65 defines the open space standard as "the assessment of greenspace provision and need based on the quality, quantity and accessibility of open spaces"
Open Space	Open Space is the open, usually green land within and on the edges of settlements
Sustainable Development	Development that meets the needs of the present without compromising the ability of future generations to meet their own needs
Species	A group of organisms capable of interbreeding and producing fertile offspring

References & Research

1	Aberdeen Greenspace Mapping October 2007
2	Aberdeen Greenspace Audit Draft Report August 2007
3	A Guide to Health Impact Assessment of Greenspace 2010
4	Aberdeen's Strategy for Access to the Outdoors 2004
5	Aberdeen Local Transport Strategy 2008
6	Aberdeen Parks and Green Space Strategy 2006
7	Bristol Parks and Green Space Strategy 2008
8	Draft Fife Greenspace Strategy
9	Dundee Public Open Space Strategy
10	East Dunbartonshire's Greenspace Strategy 2005
11	Forest and Woodland Strategy for Aberdeenshire and Aberdeen City 2005
12	Greenspace and Health Outcomes Framework
13	Greenspace Quality - A guide to assessment, planning and strategic development
14	Glasgow and Clyde Valley Green Network
15	Inverness Greenspace Strategy
16	North East Scotland Local Biodiversity Action Plan
17	Open Space Audit Report 2010
18	Proposed Draft Open Space Supplementary Guidance March 2011
19	Planning Advice Note PAN 65
20	Scottish Planning Policy
21	Single Outcome Agreement
22	The Scottish Forestry Strategy

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**ABERDEEN OPEN SPACE AUDIT 2010
AND APPENDICES**

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ABERDEEN OPEN SPACE AUDIT 2010

1.0 INTRODUCTION

This report presents the key findings of an audit of Aberdeen's open spaces and explains how these were obtained. The purpose of the project was to gain an understanding of the quantity and quality of the city's open spaces and how accessible they are to the communities who use them. Open Space Audits are required by national planning policy guidance and Aberdeen City Council committed to carry one out in the Aberdeen Local Plan 2008. In 2009 a small working group was set up to advise on, assist with and oversee the audit process. The group included external partners Aberdeen Greenspace and Scottish Natural Heritage. In total 479 sites across the city covering an area of 3471 hectares were audited.

The audit will help inform future decision making relating to the planning and management of the city's open spaces and will be used to develop an Open Space Strategy.

1.1 What is open space?

'Open space' is the open, usually green land within and on the edges of settlements. Parks, public gardens, allotments, woodland, play areas, playing fields, green corridors and paths, churchyards and cemeteries, natural areas, institutional land as well as 'civic space' such as squares or other paved or hard surfaced areas with a civic function are all forms of open space.

1.2 What is an open space audit?

An open space audit is an assessment of how much open space exists, how it is distributed and how accessible it is to the communities around it. An open space audit also measures the quality of open spaces.

1.3 Why have we done one?

The audit and assessment is being carried out to provide up to date information on open space within Aberdeen. Its purpose is to:

- develop a clear and robust understanding of open space in Aberdeen;
- see whether Aberdeen's communities have enough open space, or enough of the right types of open space;
- gather information on the quality of Aberdeen's open space.

The audit will be used to support the implementation of policies in the forthcoming Local Development Plan and also to inform the preparation of an Open Space Strategy, which will seek to maximise the contribution that open space can make to people's quality of life. The Open Space Strategy will provide a framework for the management and development of Aberdeen's open space which will enable the whole community - residents, businesses, community organisations, voluntary and statutory agencies - to work in partnership towards achieving the maximum benefit from our open spaces.

Evidence shows that quality, accessible open space delivers a wide range of social, environmental and economic benefits, which are priorities for communities, the Council and the government. Open spaces can help communities to be: **healthier**, through opportunities to be physically active and supporting mental health and wellbeing; **safer and stronger**, through building skills, cohesion, confidence and pride in communities; **wealthier and fairer**, through providing places where people want to live and work, attracting and retaining

investment and sustainable growth; **smarter**, through opportunities for environmental education, lifelong learning and links with Curriculum for Excellence; **greener**, through green networks, supporting biodiversity, air quality, flood management and connecting people and places for sustainable travel opportunities.

Local and national policies provide a strong context for open space audits and the requirement for local authorities to take a strategic approach to open space. The key policies that are relevant to this project are explained further in appendix A.

1.4 How have we done it?

This Open Space Audit has been carried out according to national best practice guidance from Greenspace Scotland¹ and the Scottish Government². It combines the information collected by earlier relevant projects along with site assessments and community engagement carried out in 2009 and 2010. The quantity, quality and accessibility of Aberdeen's open spaces have been established through the following assessments:

- Greenspace Characterisation & Mapping Study 2007 – Funding was provided by Greenspace Scotland to develop a comprehensive digital map of all of Aberdeen's greenspace. The project involved analysing aerial photographs and identifying the land use category, or type (see Figure 2), of all of the urban land in Aberdeen plus a 500 metre buffer around the built up areas.
- Greenspace Audit 2007 – As a recommendation of Aberdeen's Parks and Open Space Strategy 2005 an audit of the city's parks and greenspaces was undertaken. The 2007 audit provided an assessment of publicly managed greenspace, at least 0.4 hectares in size.
- Open Space Audit 2009/10 – Site assessments, community engagement and a review of existing information took place in order to expand the 2007 data to fulfil the requirements of national guidance on Open Space Audits. This meant adding to the assessment the types of open space that are defined in Planning Advice Note (PAN) 65 that had not been part of the 2007 audit, such as churchyards, school grounds and private grounds, as well as incorporating the views of local communities. The biodiversity value of open spaces was another factor that was included in the 2010 assessment that had not previously been taken into account. In order to ensure that best use was made of information that was already available through other related studies and projects, a review was undertaken of relevant documents, such as Neighbourhood Community Action Plans and relevant local strategies and plans. Relevant information gathered through this review was incorporated into the audit.

¹ Greenspace Quality: A Guide to Assessment, Planning and Strategy Development; Greenspace Scotland & Glasgow & Clyde Valley Green Network Partnership <http://www.greenspacescotland.org.uk>

² Planning Advice Note (PAN) 65: Planning and Open Space; The Scottish Government; 2008
<http://www.scotland.gov.uk/Publications/2008/05/30100623/0>

TABLE 1: DOCUMENTS CONSIDERED AS PART OF THE INFORMATION REVIEW

- Aberdeen City and Shire Structure Plan	- Aberdeen Local Plan 2008
- Community Plan Update 2008	- Core Paths Plan 2008
- Sports Pitch Strategy 2003	- Forestry and Woodland Strategy 2005
- Joint Health Improvement Plan 2006-08	- Landscape Strategy - Part 1
- Local Transport Strategy 2008-12	- Neighbourhood Community Action Plans
- Parks and Greenspace Strategy 2004-09	- Single Outcome Agreement
- Fit for the Future - Sport and Physical Activity Strategy 2009-15	- Woodland In And Around Towns - Woodland Audit

1.5 How have local communities contributed?

Community engagement was undertaken as part of this project from December 2009 to January 2010. This was mainly done through a questionnaire and relevant results are referred to throughout this report. More information on this is available in appendix B.

2.0 THE QUANTITY AND DISTRIBUTION OF OPEN SPACE IN ABERDEEN

2.1 How has the quantity and distribution of open spaces been measured?

All of Aberdeen’s open spaces were identified and mapped digitally using a Geographic Information System (GIS). The PAN 65 land use typology of each individual piece of open space, or polygon, was added to the GIS, and verified through site surveys. This allows us to analyse the provision across the city – we can see the amount of open space on the whole, the amount in each area of the city, as well as the amount of each type of open space. There are limitations in looking purely at the quantity of open space, as this does not reflect how or whether people can access spaces, or the ‘fitness for purpose’ of the site. It is also important to take into account the quality of the space – how it is managed and maintained, the uses for the space and how the community values it.

TABLE 2: PAN 65: Types of Open Space

PAN 65 Type	Description
Public parks and gardens	Areas of land normally enclosed, designed, constructed, managed and maintained as a public park or garden.
Private gardens or grounds	Areas of land normally enclosed and associated with a house or institution and reserved for private use.
Amenity greenspace (Residential, Business and Transport-related)	Landscaped areas providing visual amenity or separating different buildings or land uses for environmental, visual or safety reasons and used for a variety of informal or social activities such as sunbathing, picnics or kickabouts.
Playspace for children	Areas providing safe and accessible opportunities for teenagers and children’s play, usually linked to housing areas.
Sports areas	Large and generally flat areas of grassland or specially designed surfaces, used primarily for designated sports (including playing fields, golf courses, tennis courts and bowling greens) and which are generally bookable.
Green corridors	Routes including river corridors and old railway lines, linking different

	areas within a town or city as part of a designated and managed network and used for walking, cycling or horse riding, or linking towns and cities to their surrounding countryside or country parks. These may link green spaces together.
Natural/semi-natural	Areas of undeveloped or previously developed land with residual natural habitats or which have been planted or colonised by vegetation and wildlife, including woodland and wetland areas.
Allotments and community growing areas	Areas of land for growing fruit, vegetables and other community growing plants, either in individual allotments or as a community spaces activity.
Civic space	Squares, streets and waterfront promenades, predominantly of hard landscaping that provide a focus for pedestrian activity and can make connections for people and for wildlife.
Burial grounds	Includes churchyards and cemeteries.

In addition to the amount of land covered by each type of open space, it is important to consider its distribution through measuring how far people must travel to reach certain types of open space. This has been done by identifying the maximum distance that people are likely to travel from home to each type of space. National guidelines, benchmarking against other local authorities and the results of the community engagement carried out as part of the audit have been used to establish these distances. These are applied to the GIS mapping to show where there may be deficiencies or over-provision.

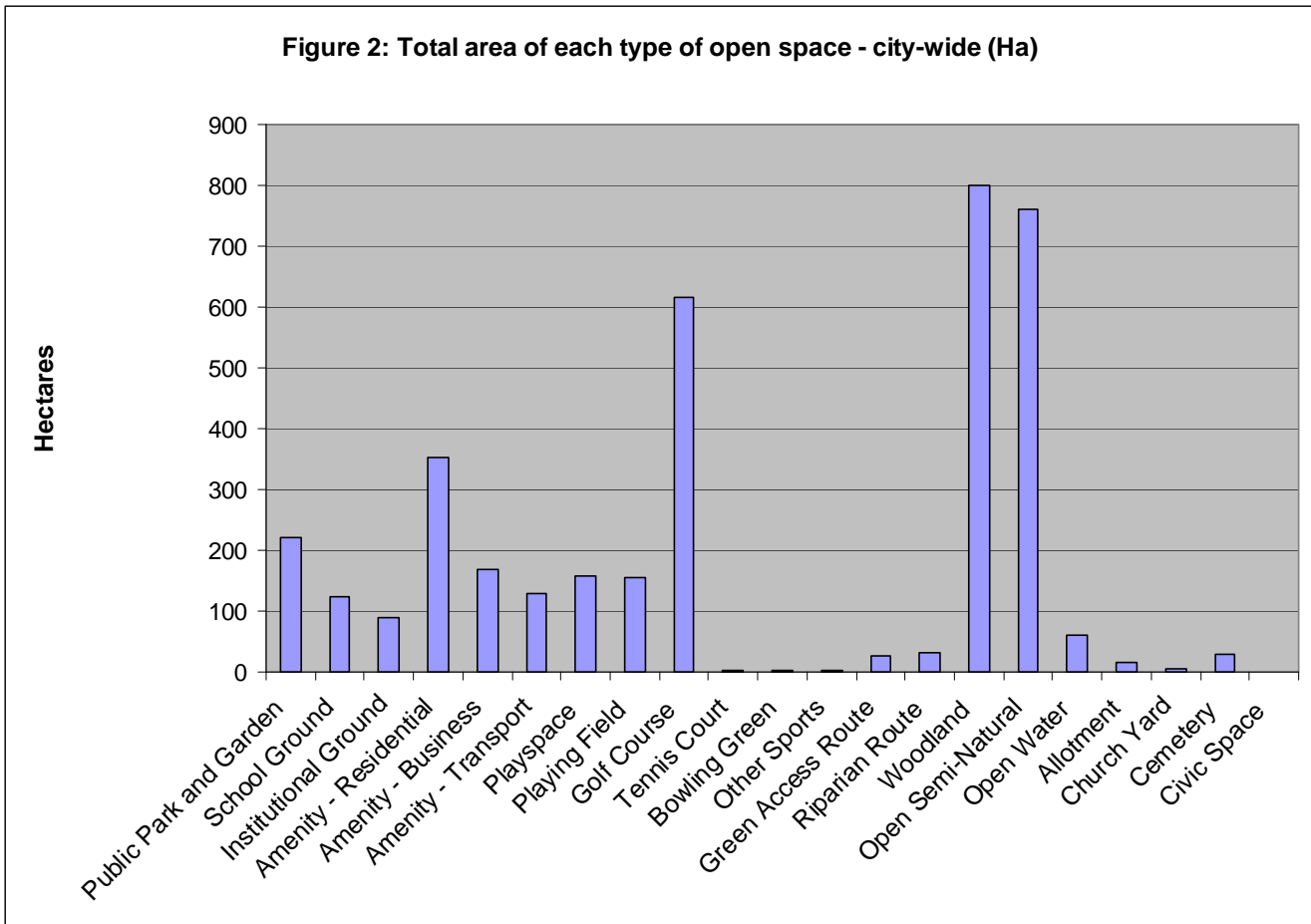
TABLE 3: MINIMUM ACCESSIBILITY STANDARDS

Type of Open Space	Distance Catchment (metres)
Major Park (Town / Heritage Park)	1500
Neighborhood Park	600
Local Park	400
Natural/ Semi-Natural Greenspace	500
Play Space for children & young people	400

2.2 Findings

The audit has identified 3471 hectares of open space (not including private gardens or sites under 0.2 hectares). This equates to 16.6 hectares per 1000 people (based on a population of 209,260 as estimated in 2007 by General Register Office for Scotland).

The figure below shows the overall provision of audited open spaces in Aberdeen according to the PAN 65-defined types of open space.

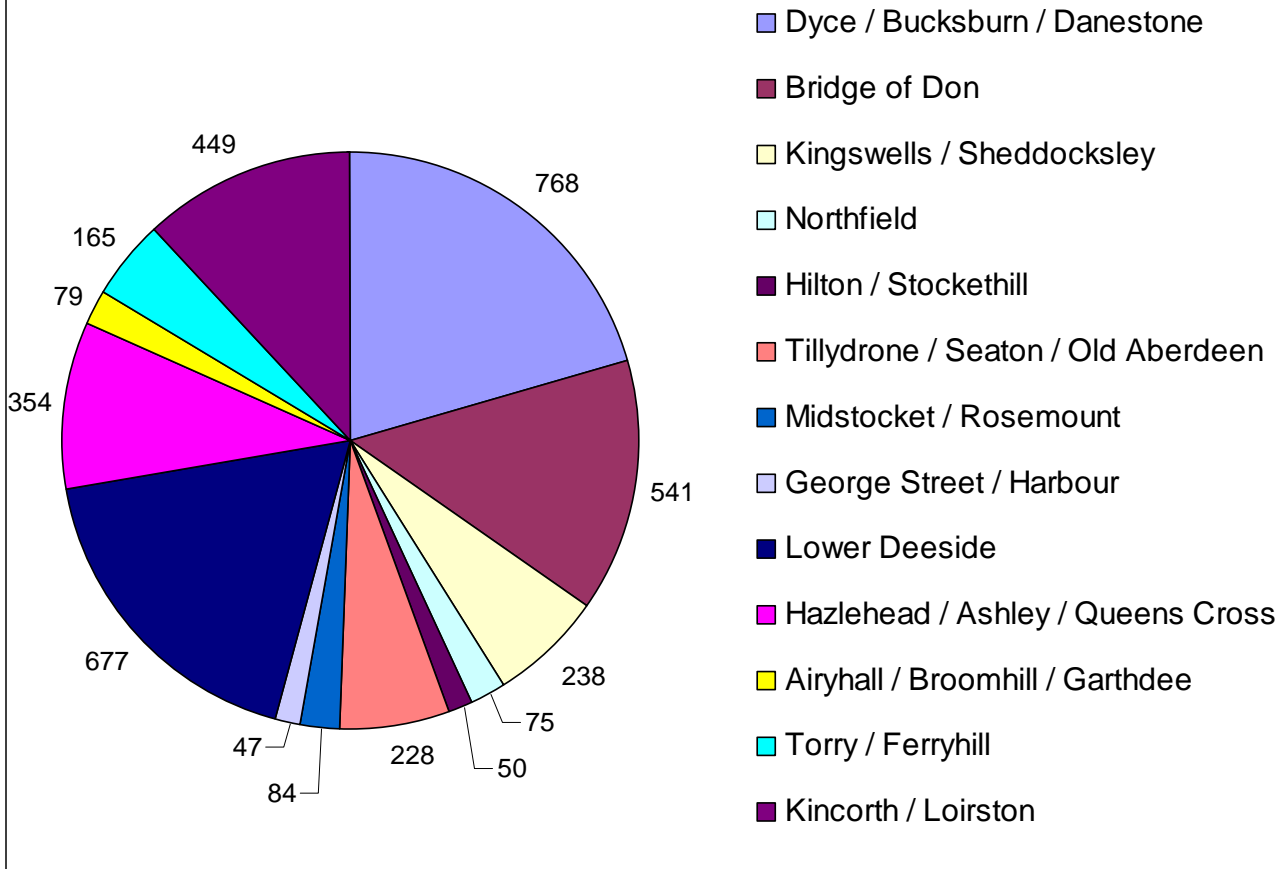


The largest categories of the city’s open spaces are woodlands (801Ha or 23%) and open, semi-natural grounds (760Ha or 22%). The third largest type is golf courses. However when the three types of amenity open space – residential, business and transport – are combined, they are third largest, covering 649Ha or 19% of the city’s open spaces.

A limitation to this information is where an open space site may serve more than one function. The data above is based on the primary function of each open space site. In some cases secondary functions are attached to a site, such as where a public park contains a play space or tennis court for example. The play space or tennis court will be identified as a secondary function and therefore will not be counted as such in the findings presented above.

See Appendix D for more detailed information on the quantity of open space.

Figure 3: Total Open Space per Ward (Ha)



The chart above shows that Dyce, Bucksburn and Danestone and Lower Deeside have the most open space while Hilton and Stockethill and George Street and Harbour have the least. The community engagement carried out as part of the audit showed that 14% of respondents felt that more open space is required in the city centre, which is largely made up of the George Street and Harbour ward. Of those respondents who indicated that more open space was required in their area, the second highest answer, after the city centre, was the Sunnybank / Froghall / Powis area, which falls within the Tillydrone / Seaton / Old Aberdeen and George Street / Harbour wards.

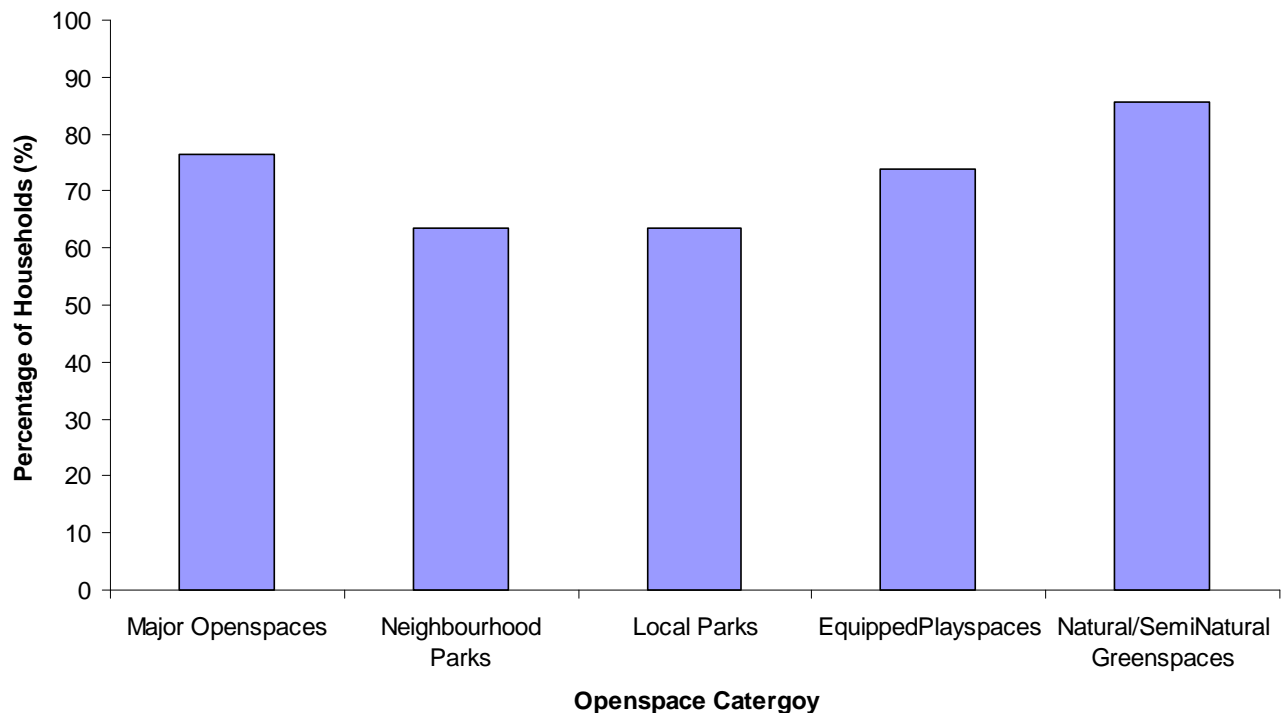
Dyce / Bucksburn / Danestone has some large areas of woodland at Parkhill, Kirkhill and Craibstone, as does Lower Deeside, with Foggieton, Denwood and Countesswells Woods. Bridge of Don has the third highest amount of open space, which is largely made up of the golf courses along the coast and Scotstown Moor / Perwinnes Moss District Local Nature Reserve.

Although it is useful to consider the distribution of open space across each area of the city, a limitation with this is that the position of ward boundaries can lead to an incomplete picture. For example, the Northfield ward has the third least amount of open space of all the wards, however immediately outside this ward's boundary is a large area of playing fields, a community woodland, and golf course. Figures 6 to 10 provide an additional way in which to

consider the provision and distribution of open space, based on the minimum accessibility standards presented in Table 3.

The percentage of households meeting the minimum accessibility standards was determined for each key open space type across the city. Figure 4 below shows that 70% of households in the city are within the 1500 metres of major parks, 60% are within 600 metres of a neighbourhood park, 60% are within 400 metres of local parks, 70% are within the 400 m of play spaces and 90% are within 500 metre of natural / semi-natural open space.

Figure 4: Percentage of households within accessibility thresholds



The maps below show the distribution of and accessibility to each key category of open space.

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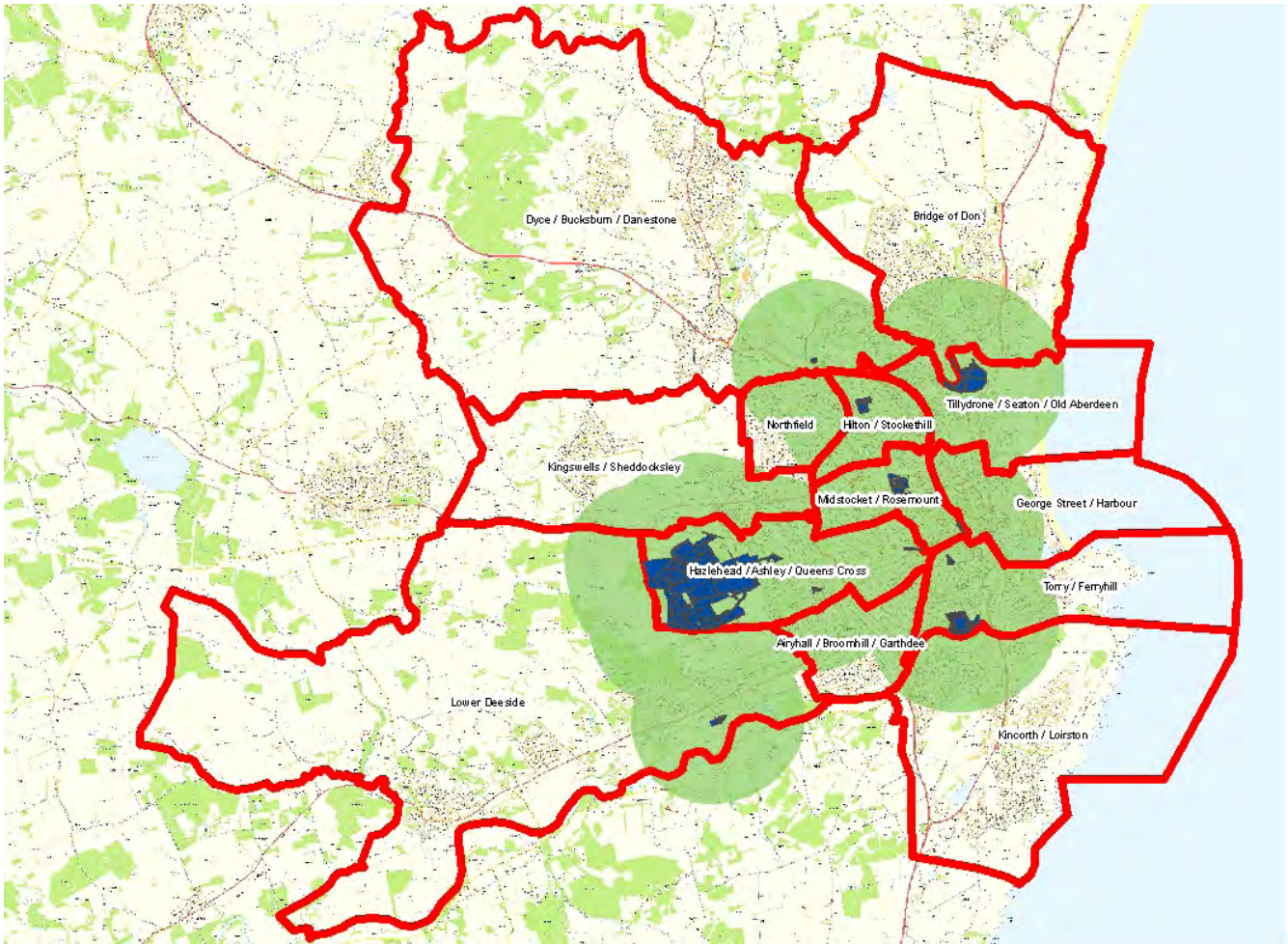


FIGURE 5: DISTRIBUTION OF MAJOR PARKS

The map shows that major parks such as Town and Heritage Parks are not equally distributed across the city. This distribution reflects the concentration of town and heritage parks around the older residential areas of the urban centre. Hilton / Stockethill, Tillydrone / Seaton / Old Aberdeen, Rosemount / Midstocket, George Street / Harbour and Hazelhead / Ashley / Queens Cross have adequate provision of Town and Heritage Parks according to the recommended distance thresholds. Dyce / Bucksburn / Danestone, Lower Deeside, Bridge of Don and Kincorth / Loirston are lacking in major parks, with only 33%, 43% and 43% of the residents living within the recommended 1500 metres respectively.

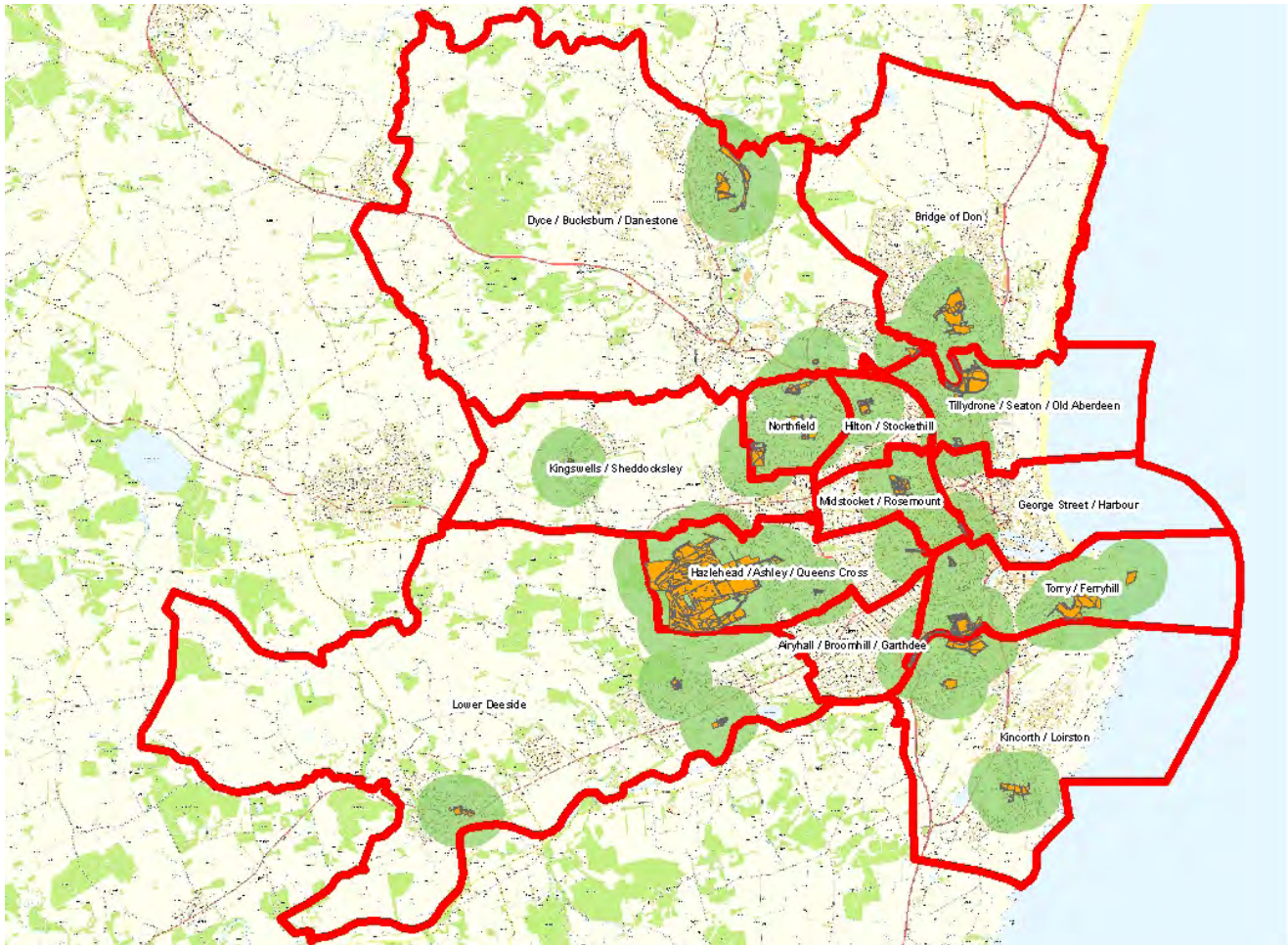


FIGURE 6: DISTRIBUTION OF NEIGHBOURHOOD PARKS

The map above shows that neighbourhood parks are not equally distributed across the city. Residents of Northfield, Midstocket / Rosemount and Torry / Ferryhill have the greatest level of provision of neighbourhood parks. Airyhall / Broomhill / Garthdee, Dyce / Bucksburn / Danestone and Kingswells / Sheddocksley are lacking in neighbourhood parks, with only 30%, 43% and 52% of their residents living within the recommended 600 metres.

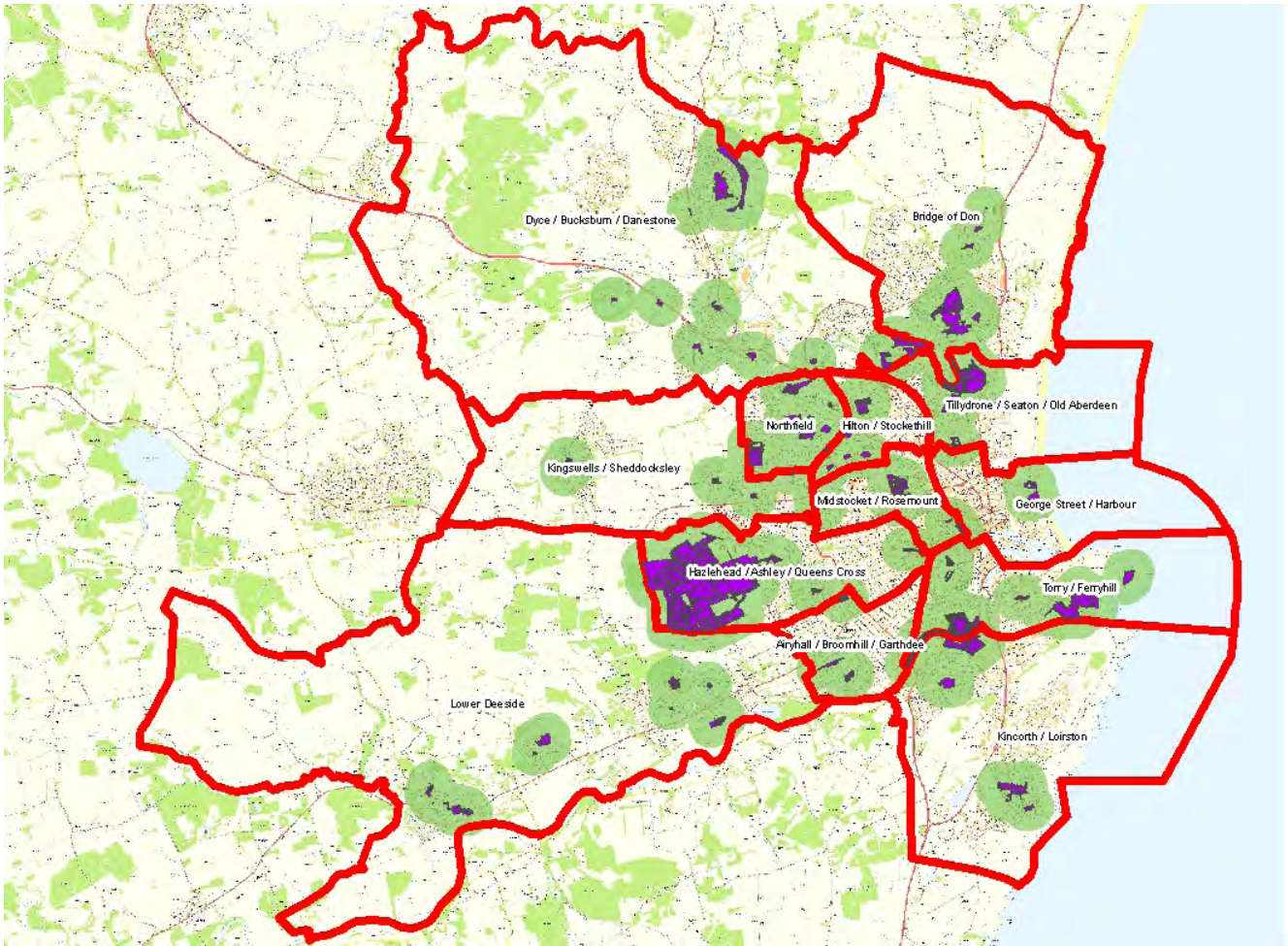


FIGURE 7: DISTRIBUTION OF LOCAL PARKS

The audit shows that some areas are lacking in local parks. Northfield, Torry / Ferryhill and Midstocket / Rosemount have the greatest level of provision of local parks with 87%, 88% and 79% of their residents living within the recommended 400 metres. Large areas within the George Street / Harbour, Airyhall / Broomhill / Garthdee and Dyce / Bucksburn / Danestone wards are outside of the 400 metres recommended for local parks.

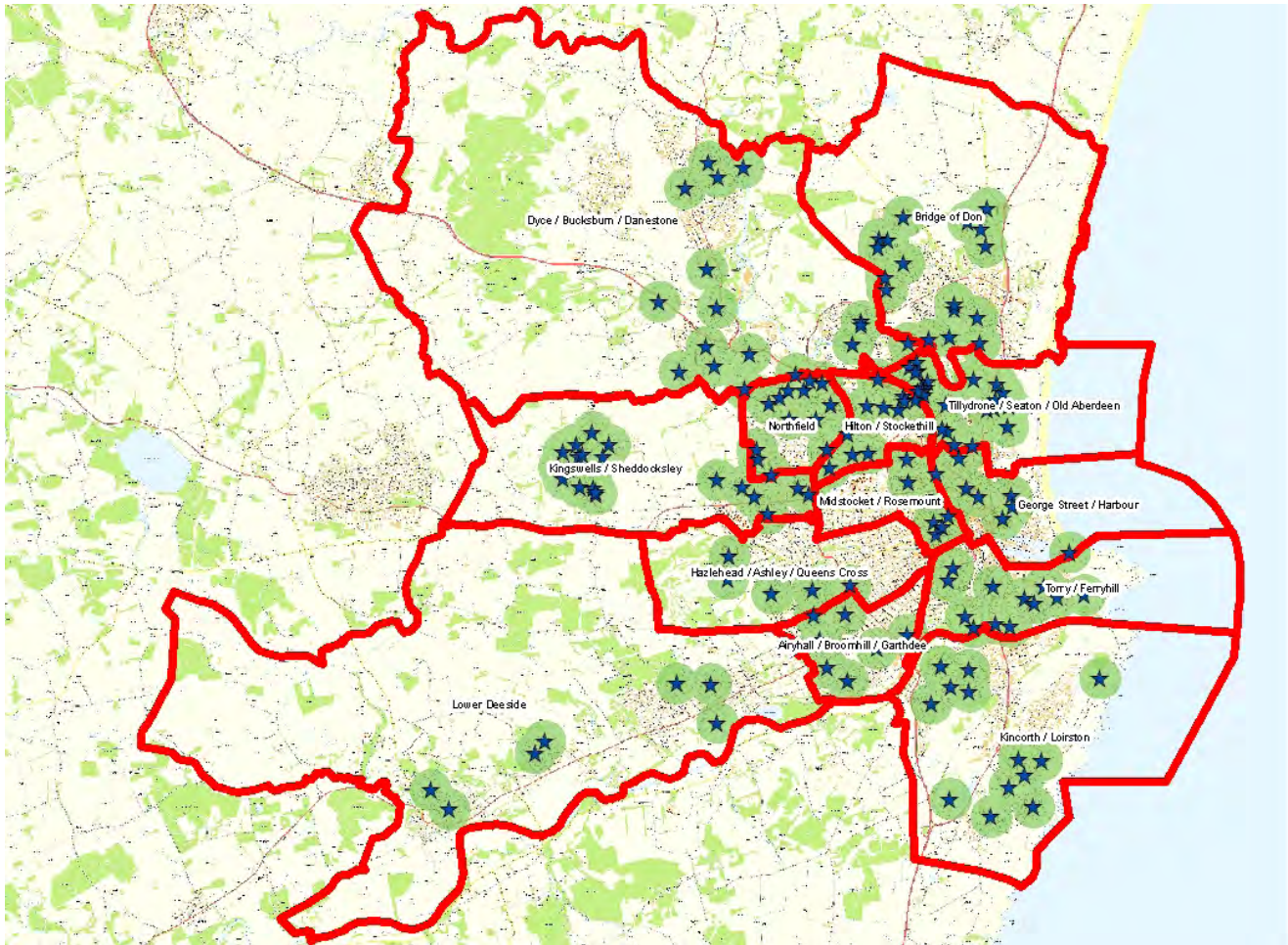


FIGURE 8: DISTRIBUTION OF EQUIPPED PLAYSACES

There are 160 equipped play spaces across the city. Tillydrone / Seaton/ Old Aberdeen (91.8%) and Hilton / Stockethill (91.3%) have the greatest level of provision, with 92% and 91% of their residents within the recommended 400 metre threshold respectively. Hazlehead / Ashley / Queens Cross and Lower Deeside have the least access to equipped play spaces, with 29% and 46% respectively.

The wards around the outside of the built up area contain on average twice as many equipped play spaces as the more central wards. Many of the play spaces assessed in the audit are small sites containing very few items of play equipment.

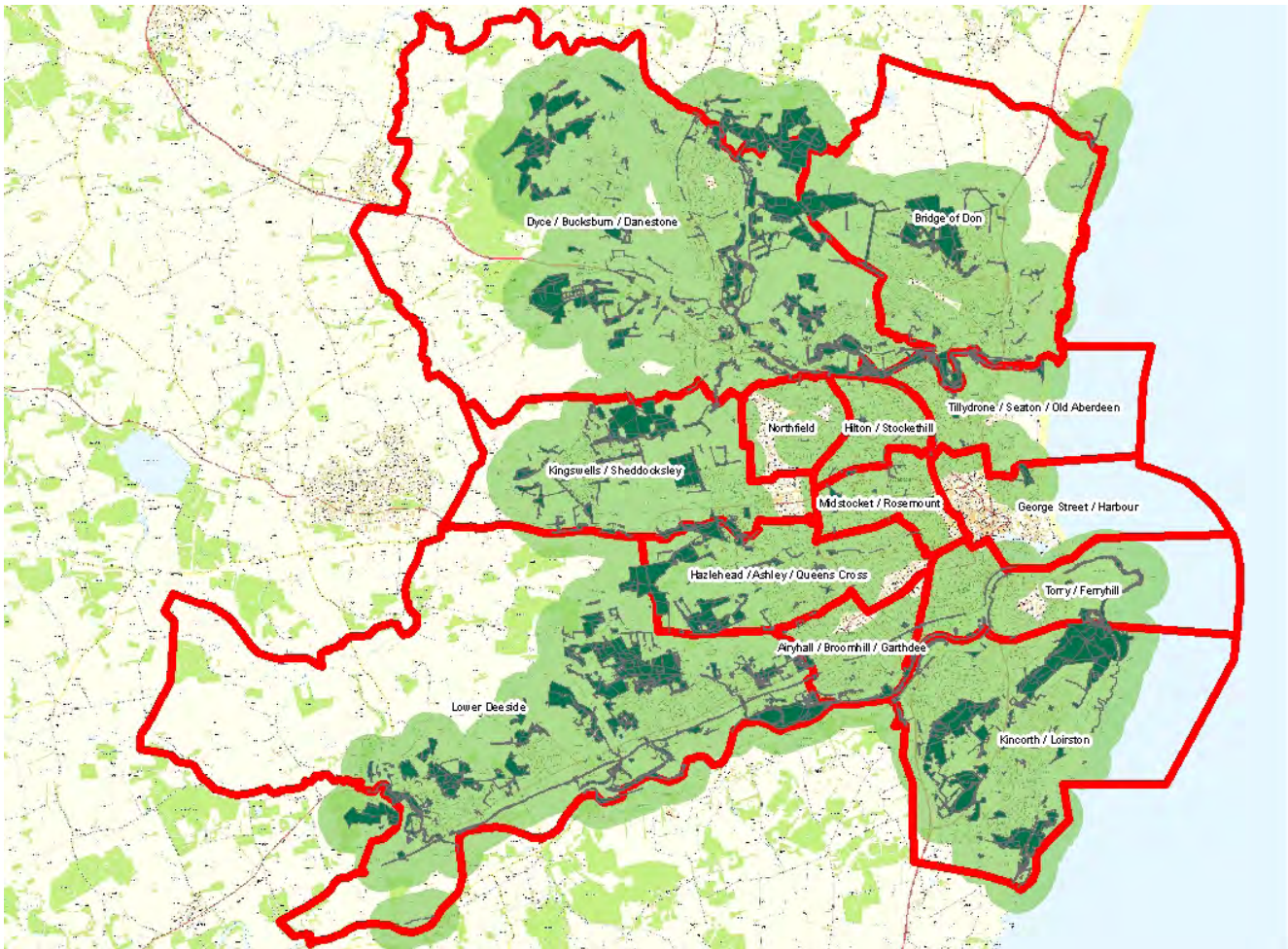


FIGURE 9: DISTRIBUTION OF NATURAL AND SEMI NATURAL OPENSACES

The map above shows that most of the city's residents are within 500 metres of natural open spaces. Hilton / Stockethill, Kincorth / Loriston and Dyce / Bucksburn / Danestone have the greatest level of provision of natural open space, with close to 100% of their residents within the recommended distance. George Street / Harbour has the least access to natural open spaces with 45% of residents within 500 metres of these sites. It is important to note that while over 86% of all households in the city are with 500m of natural and semi-natural open space, not all sites are easily accessible to the public.

The community engagement exercise concluded that natural or semi-natural greenspace or woodland is the most well used type of open space, with 73% of respondents indicating that they use these spaces more than a few times a month. They were also rated second highest in terms of satisfaction, with 51% rating them good or excellent.

3 THE QUALITY OF OPEN SPACE IN ABERDEEN

3.1 How has the quality of open spaces been measured?

The quality of each of Aberdeen's open space sites has been assessed using a set of criteria based on guidance from Greenspace Scotland. The assessment criteria fall under the following headings:

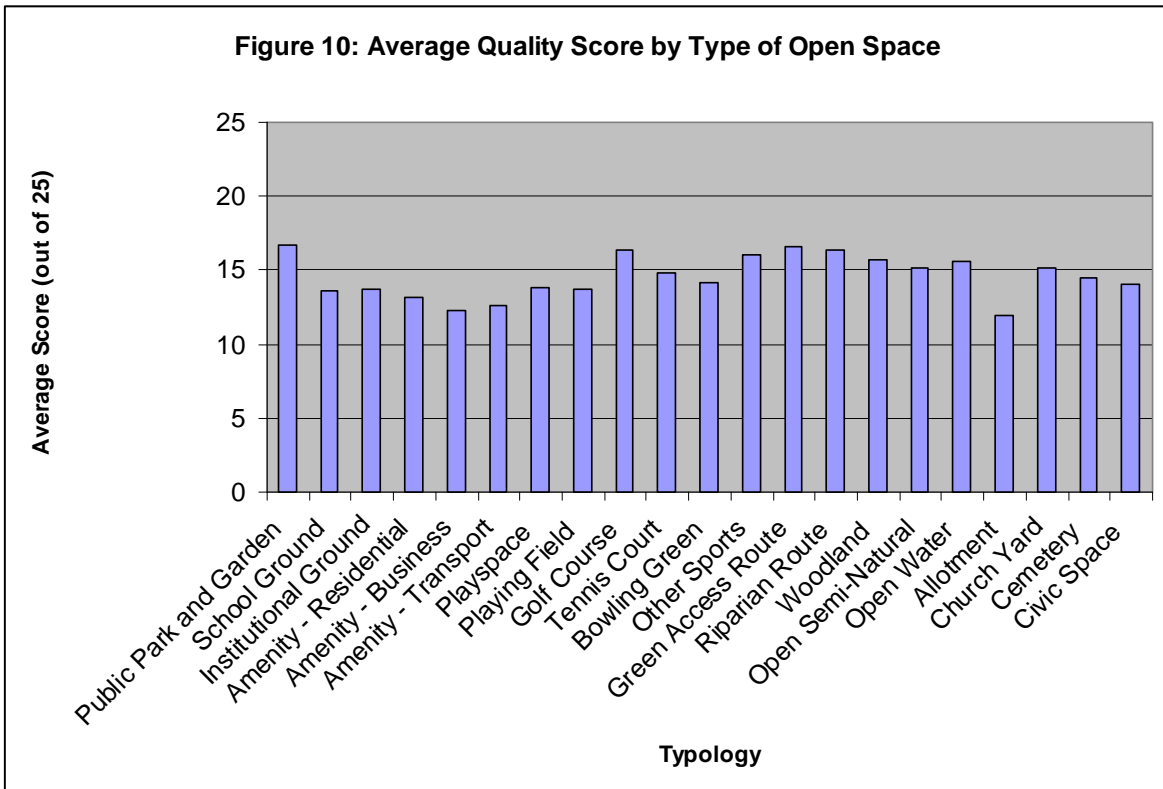
- Accessible and well connected,
- Attractive and appealing place,
- Active, supporting health and well being,
- Community support, or
- Biodiversity.

Each site was given a score out of five for each of these headings. There are limitations to this approach, such as the fact that the score is based on the surveyor's impression of the site on the day it was visited, but it should provide us with a consistent picture of the quality of open space across the whole city. An example of the survey sheet used in the assessments is available in appendix C. The Northeast Biological Records Centre (NESBREC) assisted with the assessment of biodiversity value.

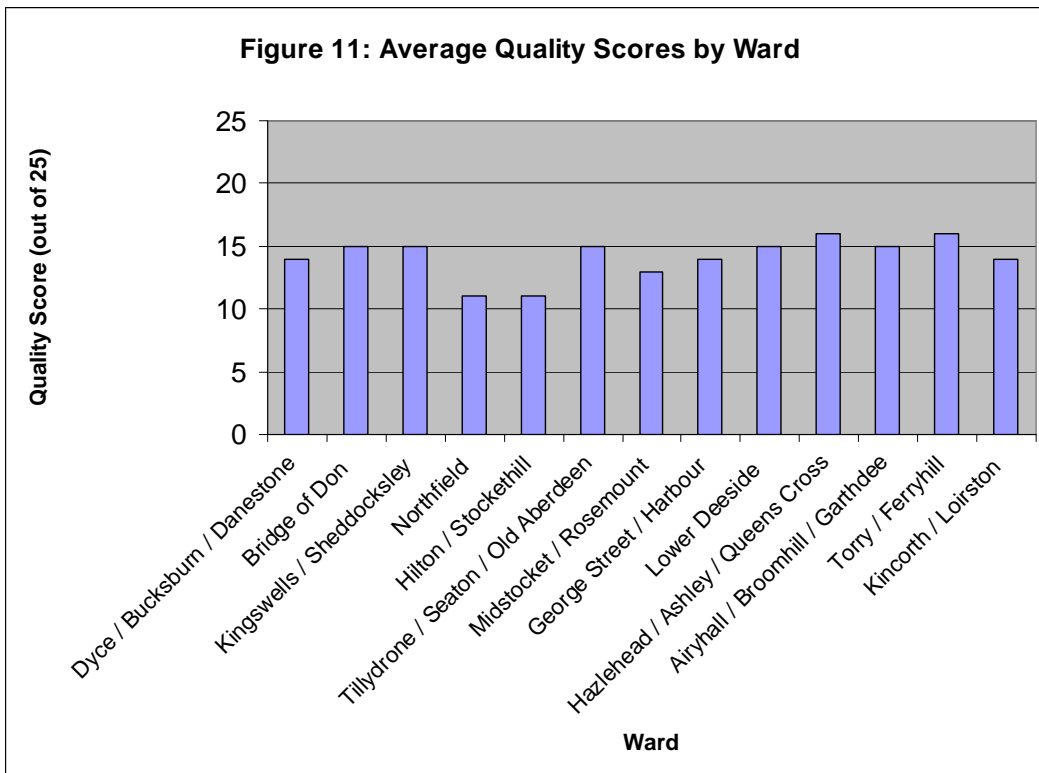
3.2 Findings

The chart below shows the average overall quality scores across the city for each type of open space. The city's public parks and gardens and green access routes score highest in terms of quality (17 out of 25). This is reflected in the community engagement undertaken as part of the audit as respondents were most satisfied with the city's public parks and gardens, with 60% rating them as good or excellent. Natural green space and green corridors were rated second and third in terms of customer satisfaction.

Allotments and business amenity open space score most poorly (12 out of 25). When considering the three types of amenity open space – residential, business and transport – together, they also score poorly, with a total average score of 13 out of 25. The community engagement carried out as part of the audit broadly concurs with this conclusion – the type of open space that respondents were least satisfied with was amenity open space, with 35% of respondents rating it poor or fair.



The chart below shows that the average quality scores vary across the city. The audit found that Hazlehead / Ashley / Queens Cross and Torry / Ferryhill wards have the highest quality open spaces, both having an average quality score of 16 out of 25. Northfield and Hilton / Stockethill have the poorest quality sites with an average quality score of 11 out of 25.



4.0 CONCLUSIONS

The audit results show that open spaces across the city are not evenly distributed due to the historic and often random nature of open space provision. The poorest quality parks and open spaces tend to be found within the regeneration priority areas. Northfield and Hilton and Stockethill are lacking in provision of open space and the spaces that do exist in these wards have been assessed as poor quality.

While the central areas of the city are lacking in the amount of open space, often the higher quality, public parks and gardens are located in these areas. The areas lacking in open space tend to be densely developed areas where the scope for creating new open space is likely to be limited. However, in some areas there may be opportunities to enhance the quality of existing spaces.

The post-1960s residential developments around the outside of the city have the greatest quantities of open space. Much of this takes the form of amenity grounds. This type of open space scores poorly in terms of quality and achieves a low level of customer satisfaction. Amenity open space tends to consist of areas of grass and is costly to maintain. The Open Space Strategy may offer opportunities to increase the quality of open space in these areas, review the management of them and consider the possibilities for developing existing amenity open space into alternative, higher quality and more publicly desirable types of open space. Equipped play space provision and management could also be reviewed as part of the Open Space Strategy. The audit suggests that there are many small play spaces – consideration could be given to an alternative approach of providing fewer but bigger and better play spaces.

Revised standards for open space in new developments could encourage the development of more useful, publicly desirable and efficient types of open space, such as natural areas, green corridors, play spaces and allotments – demand for these was apparent in the community engagement. The Scottish Government's new Designing Streets policy statement may be of relevance in relation to the development of transport amenity open space.

The distribution of major and neighbourhood open spaces should also be addressed by revised standards for development. Such large open spaces may need to be taken forward through masterplanning, in line with the Local Development Plan.

Where it is not possible to increase the amount of open space in areas of the city where the audit has shown that the provision of open space is low for example, where land is densely developed, developer contributions from brownfield development should be sought to help enhance the quality of nearby open spaces.

5.0 NEXT STEPS AND RECOMMENDATIONS

- a) Prepare an open space strategy and detailed action plan.
- b) Update the Open Space Audit database annually and carry out a full review five years from now.

c) Involve stakeholders in the development of the open space strategy and action plan, through workshops or other forums as appropriate.

d) Develop new standards for the provision of open space in future developments, including appropriate requirements for developer contributions where on-site provision is not possible.

APPENDIX A – OPEN SPACE POLICY CONTEXT

National Policy Context

Planning Advice Note 65: Planning and Open Space

PAN 65 sets out how local authorities should prepare open space strategies and gives examples of good practice in providing, managing and maintaining open spaces.

<http://www.scotland.gov.uk/Publications/2008/05/30100623/0>

Scottish Planning Policy

The Scottish Planning Policy states that planning authorities should support, protect and enhance open space and opportunities for sport and recreation. Planning authorities should take a strategic and long term approach to managing the open space in their area, assessing both current and future needs and protecting all spaces which can help to meet them. Authorities should undertake an audit of the open space resource in their area and how well it meets the needs of the community. The audit should cover all types of open space, public and privately owned, including spaces owned by schools and voluntary clubs. Informal open space should be assessed as well as parks and formal facilities. The audit should take account of the quality, community value, accessibility and use of existing open space, not just the quantity.

Using the information from the audit, authorities should prepare an open space strategy which sets out the vision for new and improved open space and addresses any deficiencies identified. Open space audits and strategies should be reviewed regularly, linked to development plan preparation.

Open spaces should be accessible, safe, welcoming, appealing, distinctive and well connected. Within settlements there should be spaces that can be used by everyone regardless of age, gender or disability. Statutory equal opportunities obligations should be taken into account when planning for open space and physical activity.

<http://www.scotland.gov.uk/Publications/2010/02/03132605/0>

Other Relevant Guidance

Greenspace quality: a guide to assessment, planning and strategic development; Greenspace Scotland

<http://www.greenspacescotland.org.uk/default.asp?page=438>

Green Space Strategies: A Good Practice Guide; CABE Space

<http://www.cabe.org.uk/publications/green-space-strategies>

Designing Places: A Policy Statement for Scotland: sets out the Scottish

<http://www.scotland.gov.uk/library3/planning/dpps-00.asp>

Designing Streets: A Policy Statement for Scotland:

<http://www.scotland.gov.uk/Publications/2010/03/02113940/0>

Greenspace and Quality of Life: Making the Links; Greenspace Scotland

<http://www.greenspacescotland.org.uk/default.asp?page=512>

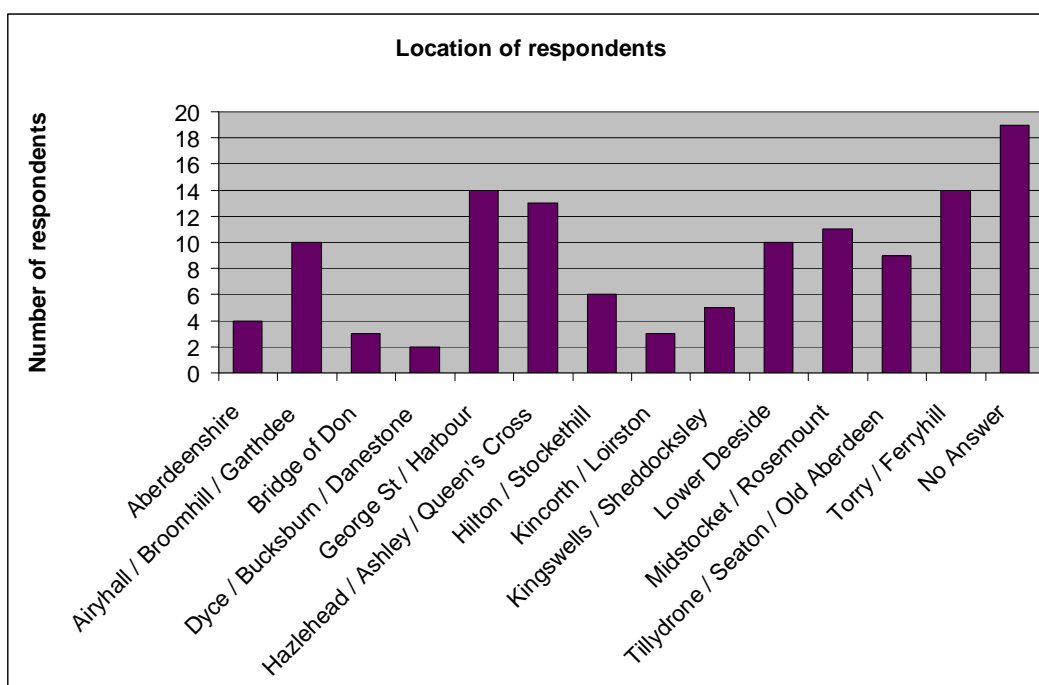
APPENDIX B – COMMUNITY ENGAGEMENT

This appendix contains some of the results from the community engagement that was undertaken as part of the audit.

In December 2009 a questionnaire was launched, which aimed to capture the public’s views on open space provision, quality and accessibility. Copies of the questionnaire were distributed to all of the city’s public libraries and The Point, and posters advertising it were put up at public events and in park notice boards. An online version was promoted on the Council’s website. The survey ran for seven weeks and a total of 125 responses were received. 110 of the completed questionnaires were submitted online and fifteen hard copies were completed. Although this is a very small number in relation to the population of the city, the response rate is reasonable in comparison to other local public consultations. The questionnaire responses did however provide useful results and have helped to give some indication of public opinion. The review of relevant documents also provided useful information on local people’s views, as did public information collected by GreenStat – an online, UK-wide database that the public can use to comment on their local open spaces. Further information on the results of the questionnaire are described throughout in the following pages. Although there were seventeen questions on open space in total, only the results from the first seven are explained here as the others are more relevant to specific open spaces and their management.

There were 125 responses to the questionnaire, which was distributed to key contacts, libraries, advertised online and on posters in park notice boards. This fairly small sample size does present a limitation to the interpretation of the results, however the responses are useful and do give some indication of public opinion.

The chart below highlights where those who completed the questionnaire live.



Question 1: What types of open space do you use, visit or enjoy and how often?

MOST WELL USED TYPOLOGIES		% of total respondents using spaces more a few times a month or more frequently
Rank	Typology	
1	Natural or semi natural greenspace or woodland	73
2	Public Parks and gardens	71
3	Green corridors, such as river side paths, cycle routes, paths	66
4	Amenity greenspace such as around housing or offices	52
5	Civic space	42
6	Open water, such as rivers, lochs, reservoirs	41
7	Beach	39
8	Children's play space (with play equipment) / teenagers areas	23
9	Playing fields	22
10	Churchyard/ cemetery	16
11	Golf courses /driving range (public or private)	11
12	Tennis courts, bowling greens or other sports grounds	10
13	Allotments	8
14	Other (specify below)	2

LEAST WELL USED TYPOLOGIES		% of total respondents using spaces less than a few times a month
Rank	Typology	
1	Golf courses /driving range (public or private)	78
2	Allotments	78
3	Tennis courts, bowling greens or other sports grounds	77
4	Churchyard/ cemetery	71
5	Playing fields	66
6	Children's play space (with play equipment) / teenagers areas	62
7	Beach	56
8	Open water, such as rivers, lochs, reservoirs	50
9	Civic space	45
10	Amenity greenspace such as around housing or offices	38
11	Green corridors, such as river side paths, cycle routes, paths	27
12	Natural or semi natural greenspace or woodland	24
13	Public Parks and gardens	24
14	Other (specify below)	12

Question 2: Please indicate your level of satisfaction with the following types of open space.

HIGHEST LEVEL OF USER SATISFACTION WITH EACH TYPOLOGY		
Rank	Best	% of total respondents rating types of open space as 'Good' or 'Excellent'
1	Public Parks and gardens	60
2	Natural or semi natural greenspace or woodland	51
3	Green corridors, such as river side paths, cycle routes, paths	46
4	Beach	37
5	Open water, such as rivers, lochs, reservoirs	34
6	Churchyard/ cemetery	23
7	Golf courses /driving range (public or private)	22
8	Playing fields	18
9	Tennis courts, bowling greens or other sports grounds	18
10	Amenity greenspace such as around housing or offices	17
11	Civic space	14
12	Children's play space (with play equipment) / teenagers areas	12
13	Allotments	7
14	Other (specify below)	1

LOWEST LEVEL OF USER SATISFACTION WITH EACH TYPOLOGY		
Rank	Worst	% of total respondents rating types of open space as 'Poor' or 'Fair'
1	Amenity greenspace such as around housing or offices	35
2	Beach	25
3	Civic space	25
4	Green corridors, such as river side paths, cycle routes, paths	22
5	Open water, such as rivers, lochs, reservoirs	22
6	Children's play space (with play equipment) / teenagers areas	22
7	Playing fields	18
8	Public Parks and gardens	16
9	Tennis courts, bowling greens or other sports grounds	16
10	Natural or semi natural greenspace or woodland	13
11	Churchyard/ cemetery	10
12	Allotments	6
13	Golf courses /driving range (public or private)	5
14	Other (specify below)	2

Question 3: Considering the list of types of open space in the previous questions, do you think your neighbourhood needs more or less of any particular type of open space?

% of total responses	Demand for more open space (by subject or typology)
10	More green space generally
8	Children's play space (with play equipment) / teenagers areas
8	Protect existing open spaces
7	Green corridors, such as river side paths, cycle routes, old railway lines
6	Playing fields
6	Natural or wild greenspaces or woodlands
6	Allotments
5	Better maintenance of existing spaces
5	Provision is adequate
3	More street trees
2	Civic space
2	Public parks and gardens
1	Amenity greenspaces such as around housing or offices
1	Tennis courts, bowling greens or other (skateboard facility)
1	More perennial planting to avoid Council having to re-plant

RESPONSES GROUPED ACCORDING TO LOCATION		
% of total responses	Location	Comment
16	City-wide	Natural or wild greenspace or woodland for biodiversity Green corridors, such as river side paths, cycle routes, old railway lines Allotments Protect existing open space Children's play space (with play equipment) / teenagers areas More perennial planting to avoid Council having to re-plant More street trees Playing fields Playing fields (public access) Protect existing natural and woodland areas
14	City Centre	More green space
8	Froghall / Powis / Sunnybank	Allotments Protect and improve open space Green corridors, such as river side paths, cycle routes, old railway lines More green space More trees / planting for traffic calming More green space Public parks and gardens Green lung / social area for all age groups
7	Lower Deeside	Playing fields (public access, Cults) Allotments Maintenance Protect existing open space
6	Midsocket / Rosemount	Current open space amount is adequate Allotments Natural or wild greenspaces or woodland - unmown margins on burn through Westburn Park

6	Hazlehead / Ashley / Queen's Cross	Maintenance Playing Fields More green space - west end
5	Broomhill	Children's play space (with play equipment) / teenagers areas - should be more adventurous and interesting Green corridors, such as river side paths, cycle routes, old railway lines
3	Kingswells / Sheddocksley	Natural or wild greenspaces or woodlands instead of amenity grassland Tennis courts, bowling greens or skateboard facility (Kingswells)
3	Cove	Allotments Natural or wild greenspaces or woodlands instead of amenity grassland
2	Torry / Ferryhill	Current open space amount is adequate Playing fields (retain cricket pitches)
2	Midsocket / Rosemount	Adequate
2	Hazlehead - Blacktop Forest	Green corridors, such as river side paths, cycle routes, old railway lines
2	Milltimber	2x Children's play space (with play equipment) / teenagers areas
1	Hazlehead and Stewart Park	Playing fields - need better maintenance
1	Bridge of Don	Children's play space (with play equipment) / teenagers areas
1	Dyce / Bucksburn / Danestone	Playing fields
1	George St / Harbour	Amenity greenspaces such as around housing or offices
1	Kincorth / Loirston	Protect existing open spaces
1	Outside city centre	civic space
1	Woodside / Hilton	Children's play space (with play equipment) / teenagers areas

**Question 4: Please tick any of the following to complete this sentence.
“I would use, visit or enjoy Aberdeen’s open space more if...”**

	% of Respondents
Open space were better maintained	34
I had more time	30
Open space felt safer	26
Open space were closer to my home	25
Open space had more/ better facilities	25
There was more/ better information about them	22
Open space were easier to get to	12
I enjoyed better health	2

Question 5: What is the maximum time you would spend travelling to use, visit or enjoy each of the following types of open space?

The table below highlights the top answers given (other than 'Not Applicable')

Typology	% of respondents	Mode	Time
Public Parks and Gardens	30	Walk	20 minutes
Amenity greenspace such as around housing or offices	40	Walk	10 minutes
Children's play space (with play equipment) /teenagers areas	14	Walk	10 minutes
Playing fields	16	Walk	20 minutes
Golf courses	7	Car	30 minutes
Tennis courts	14	Walk	20 minutes
Natural open space or woodland	16	Walk	20 minutes
	16	Car	1 hour
Green corridors	22	Walk	10 minutes
Open water	14	Walk	30 minutes
Allotments	9	Walk	20 minutes
Churchyards / Cemeteries	10	Walk	10 minutes
Beach	16	Walk	30 minutes
	16	Car	30 minutes
Civic space	14	Walk	10 minutes

Question 6: How easy is it for you to reach each type of open space?

The table below highlights the types of open space respondents find easiest to reach:

Rank		% of respondents answering very easy or easy
1	Public Parks and Gardens	74
2	Green Corridors	62
3	Amenity	59
4	Natural or semi natural	58

The table below highlights the types of open space respondents find hardest to reach:

Rank		% of respondents answering very hard or hard
1	Natural or semi natural	17
2	Open water	13
3	Green corridors	13
4	Beach	12

APPENDIX C – SITE ASSESSMENT SHEET (QUALITY CRITERIA)

1	Name of Surveyor	
2	Date of Survey	
3	Site ID	
4	Site Name	
5	Size (Ha)	
6	Site Location/Settlement Name	
7	Local Plan Designations (Green Belt/ GSN etc.)	
8	Primary Land Use (PAN 65 typology)	
9	Secondary Land Use (Sub-category PAN 65)	
10	Site Management and Ownership (If Known)	
11	Site Description:	
12	Problems:	
13	Necessary Improvements (in order of importance):	
14	Frequency of use	H M L
15	Priority for Action	H M L
	ASSESSMENT CRITERIA	SURVEYOR'S ASSESSMENT
	ACCESSIBLE AND WELL CONNECTED	Score Comment
A1	Fit for purpose core paths	Y / N
A2	Fit for purpose other paths	Y / N
A3	Connects with other transport modes e.g. public transport, parking	Y / N
A4	Well located close to Community	Y / N
A5	Well located entrances	Y / N
A6	Welcoming entrances	Y / N
A7	Attractive boundary features	Y / N
A8	Wheelchair accessible (gradients, barriers, etc)	Y / N
A9	Effective signage / interpretation appropriate for the site	Y / N
A10	Car Park	Y / N
A11	ACCESS SCORE (1 = low, 5 = high)	1 2 3 4 5
	ATTRACTIVE AND APPEALING PLACES	Score Comment
P1	Low levels of litter and adequate bins	Y / N
P2	Strong Positive Character / Identity	Y / N
P3	Public Toilets	Y / N
P4	Benches / Tables	Y / N
P5	Well designed/ located furniture/ buildings, high quality materials	Y / N
P6	Clean and free from dog fouling	Y / N
P7	Well maintained facilities/ buildings/ furniture	Y / N

P8	Grass - cut	Y / N	
P9	Amenity Planting/ Standard trees	Y / N	
P10	Woodland (shelter belt, semi-natural, urban)	Y / N	
P11	Appropriately maintained vegetation (trees, grass, bushes, shrubs, etc)	Y / N	
P12	PLACE SCORE (1 = low, 5 = high)	1 2 3 4 5	
	ACTIVE, SUPPORTING HEALTH AND WELL BEING	Score	Comment
H1	Sports Pitch (including informal, goalposts etc)	Y / N	
H2	Diversity of uses: play, sport, informal recreation	Y / N	
H3	Equipped play area	Y / N	
H4	Appropriate facilities for typology/ location/ size	Y / N	
H5	Carefully sited facilities for a range of ages e.g. youth shelter, play, benches	Y / N	
H6	HEALTH SCORE (1 = low, 5 = high)	1 2 3 4 5	
	COMMUNITY SUPPORTED	Score	Comment
C1	Lighting	Y / N	
C2	Appropriate lighting levels	Y / N	
C3	Good sense of personal security	Y / N	
C4	Absence of anti-social behaviour	Y / N	
C5	Good levels of natural surveillance	Y / N	
C6	Good routes to wider community facilities	Y / N	
C7	Community value	H M L	
C9	COMMUNITY SCORE (1 = low, 5 = high)	1 2 3 4 5	
	BIODIVERSITY	Score	Comment
B1	Bog/ marshland	Y / N	
B2	Water (pond, burn, river)	Y / N	
B3	Areas of natural habitats	Y / N	
B4	Contribute positively to biodiversity	Y / N	
B5	Habitats large enough to sustain wildlife populations	Y / N	
B6	Offers a diversity of habitats	Y / N	
B7	Part of the wider landscape structure and setting	Y / N	
B8	Connects with wider green networks	Y / N	
B9	Balance between habitat protection and access	Y / N	
B10	Resource efficient	Y / N	
Note: More detailed criteria for assessing biodiversity value were agreed with and applied by NESBREC, based on the Integrated Habitat Survey 2005.			
	BIODIVERSITY SCORE	1 2 3 4 5	

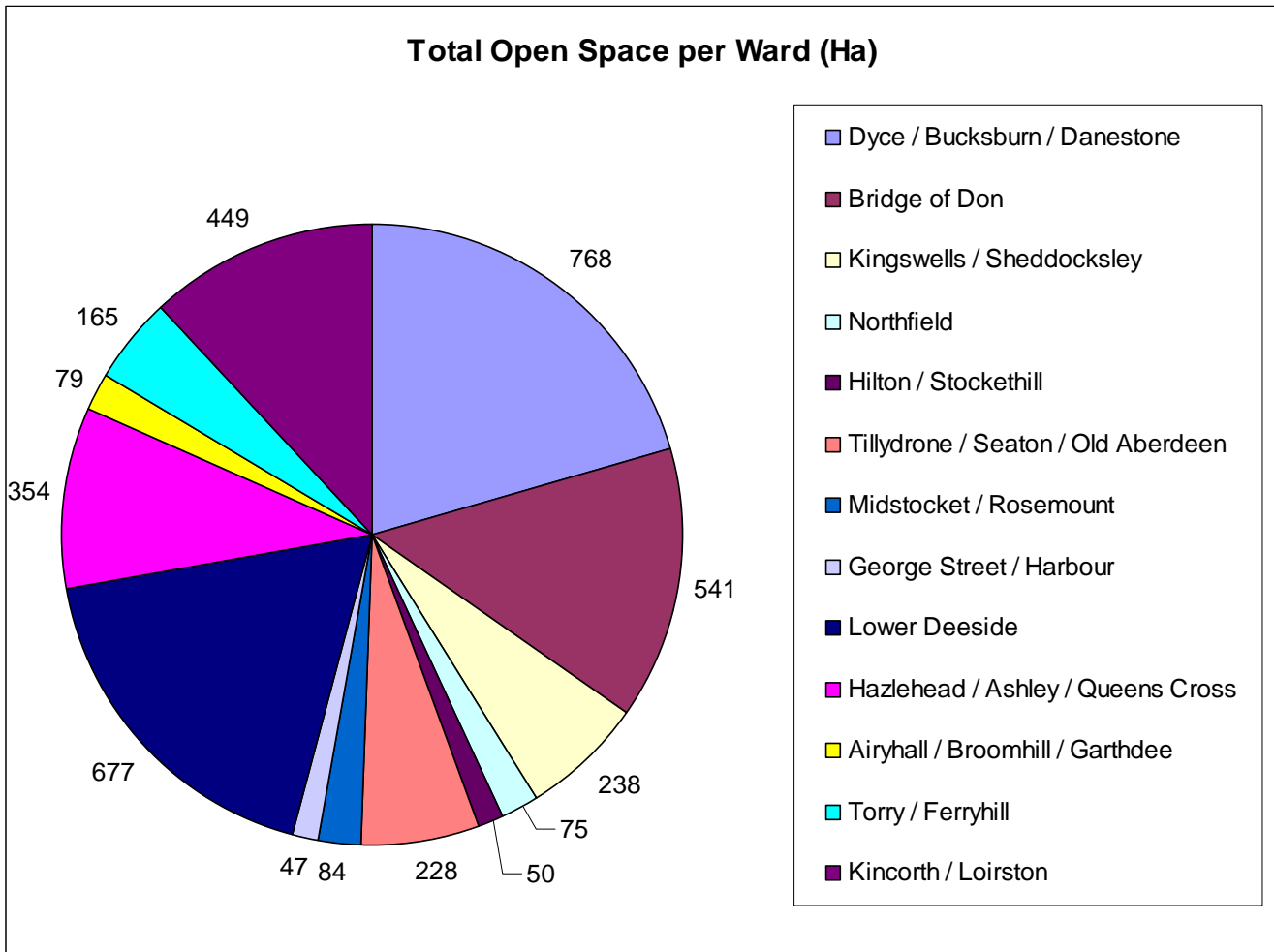
APPENDIX D – QUANTITY OF OPEN SPACE IN ABERDEEN

This appendix includes a table showing the total area in hectares (Ha) of each type of open space in each of the city's wards.

A limitation with this data is the fact that some open space sites perform more than one function and this data is based on the primary function only. For example, where a public park contains a tennis court, the area will usually be counted as public parks and gardens, rather than tennis courts.

Play spaces are affected most significantly by this limitation, and therefore the numbers of play spaces are presented rather than the area that they cover.

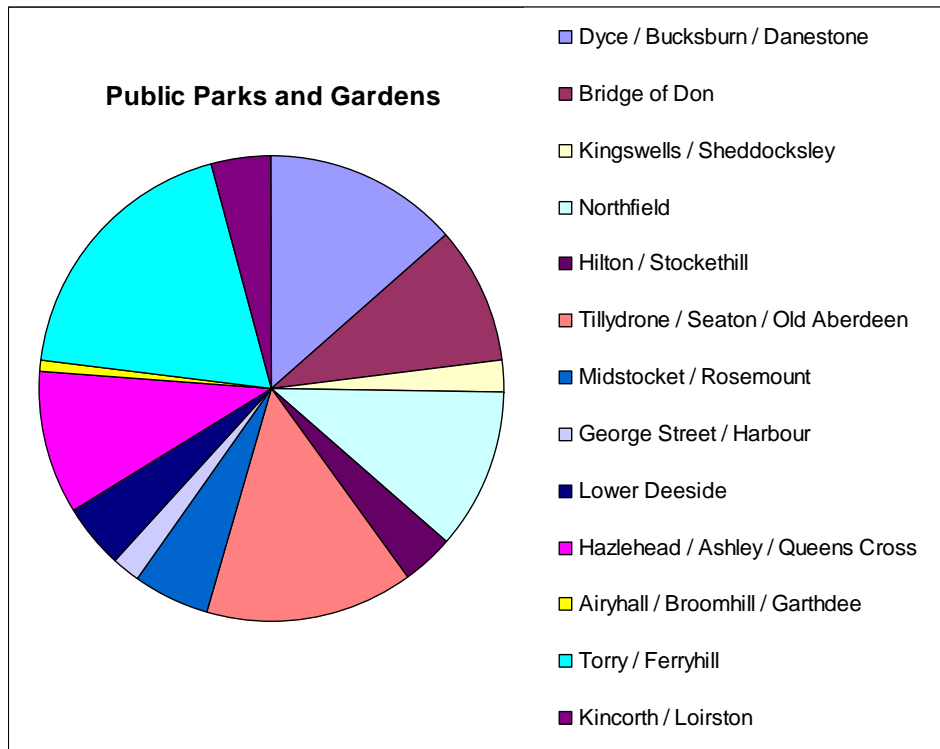
PAN65 Typology	Dyce / Bucksburn / Danestone	Bridge of Don	Kingswells / Sheddocksley	Northfield	Hilton / Stockethill	Tillydrone / Seaton / Old Aberdeen	Midsocket / Rosemount	George Street / Harbour	Lower Deeside	Hazlehead / Ashley / Queens Cross	Airyhall / Broomhill / Garthdee	Torry / Ferryhill	Kincorth / Loirston	Total
Public Parks and Gardens (Ha)	29.22	28.76	4.62	23.86	7.33	30.55	11.81	3.90	9.76	21.04	2.19	39.61	8.92	222
School Grounds (Ha)	15.16	16.60	4.48	7.58	2.89	5.29	15.41	0.68	24.37	17.15	4.95	1.40	7.29	123
Institutional Grounds (Ha)	9.93	30.26	6.79	0.04	0.00	5.72	16.20	1.10	5.85	5.19	7.52	0.50	1.48	91
Amenity – Residential (Ha)	24.14	46.42	40.13	20.40	20.56	50.39	20.43	6.56	19.48	39.04	13.39	7.97	42.86	352
Amenity – Business (Ha)	51.45	51.75	5.18	1.74	2.19	1.90	2.41	6.69	5.46	3.93	8.39	1.84	25.28	168
Amenity – Transport (Ha)	38.45	10.17	14.07	2.68	1.65	6.27	3.72	4.49	5.75	4.73	5.20	6.22	25.75	129
Playspace (Number of sites)	16	17	18	13	11	24	6	8	7	5	7	12	13	157
Playing Fields (Ha)	37.06	6.83	20.67	0.74	0.07	2.78	0.00	3.66	28.79	34.60	1.42	4.95	14.56	156
Golf Courses (Ha)	97.52	168.69	0.09	0.44	0.00	68.84	0.00	0.00	134.07	94.78	0.00	52.35	0.00	617
Tennis Courts (Ha)	0.05	0.25	0.00	0.00	0.00	0.19	0.56	0.00	0.55	1.01	0.27	0.43	0.00	3
Bowling Greens (Ha)	0.48	0.16	0.00	0.00	0.14	0.16	0.61	0.13	0.27	0.63	0.16	0.76	0.16	4
Other Sports (Ha)	0.05	1.44	0.00	0.00	0.00	0.25	0.00	0.12	0.00	1.11	0.77	0.00	0.00	4
Green Access Routes (Ha)	4.83	0.81	0.00	0.03	0.00	0.20	0.00	0.00	17.21	0.00	2.34	1.14	0.00	27
Riparian Routes (Ha)	1.12	2.21	0.00	0.00	0.08	3.69	0.00	0.15	16.10	0.64	0.15	4.41	2.81	31
Woodlands (Ha)	298.61	60.09	36.71	0.50	3.43	9.02	2.89	0.00	290.92	71.26	8.24	1.25	17.76	801
Open Semi-Natural (Ha)	124.90	91.68	85.83	0.00	0.03	10.76	3.54	5.43	89.12	42.75	7.97	21.09	277.13	760
Open Water (Ha)	14.31	7.41	0.51	0.00	0.00	4.10	0.05	0.00	16.47	4.33	0.00	1.48	10.90	60
Allotments (Ha)	1.94	0.00	0.00	3.79	0.56	0.23	0.15	0.00	5.01	0.00	1.98	1.38	1.34	16
Church Yards (Ha)	0.38	0.00	0.15	0.00	0.00	0.56	0.18	1.01	0.96	0.57	0.37	0.00	0.00	4
Cemeteries (Ha)	2.14	0.00	0.00	0.00	0.10	2.66	0.00	4.59	0.00	6.49	6.35	6.14	0.00	29
Civic Space (Ha)	0.00	0.00	0.29	0.00	0.00	0.00	0.00	0.64	0.00	0.00	0.00	0.00	0.00	1
Total Open Space Area (Ha)	767.74	540.54	237.52	74.80	50.03	227.55	83.96	47.17	677.14	354.25	78.65	164.95	449.24	3471
Total Ward Area (Ha)	5122	2218	1426	315	266	843	331	793	4898	890	403	968	2109	20581



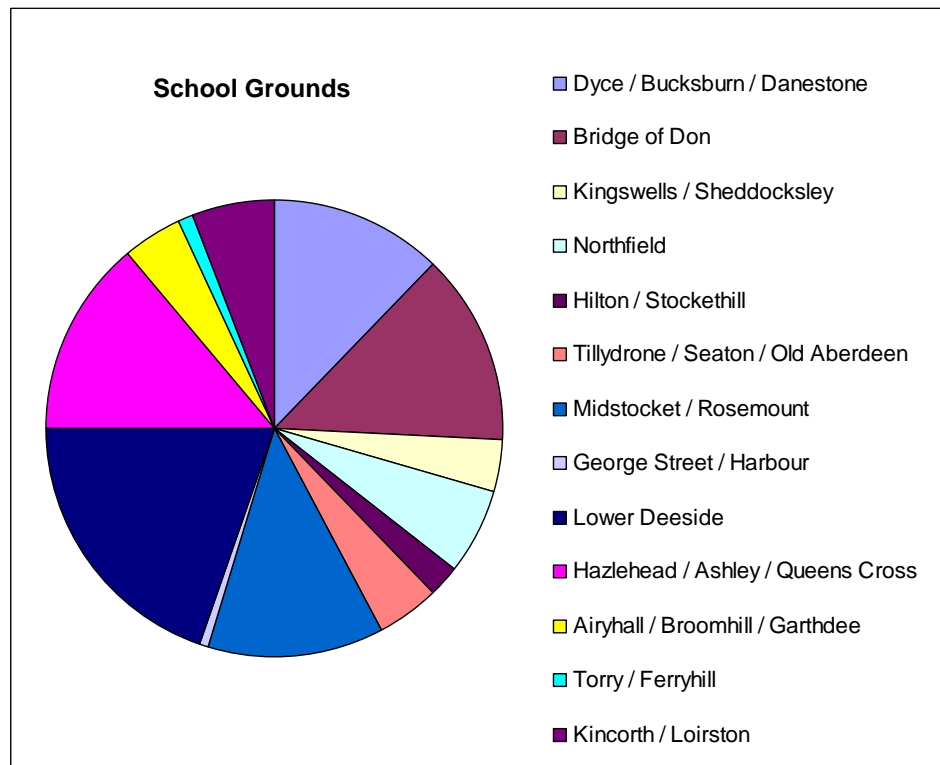
The chart above shows that Dyce / Bucksburn / Danestone and Lower Deeside are the wards with the most open space. Dyce / Bucksburn / Danestone has some large areas of woodland at Parkhill, Kirkhill and Craibstone, as does Lower Deeside, with Foggieton and Denwood, although most of Countesswells Wood is not counted as it is more than 500 metres from a settlement. Bridge of Don has the third highest amount of open space, which is largely made up of the golf courses along the coast and Scotstown Moor / Perwinnes Moss District Local Nature Reserve.

The central wards, which are more densely developed tend to have the least amount of open space, with George Street / Harbour and Hilton / Stockethill having the least.

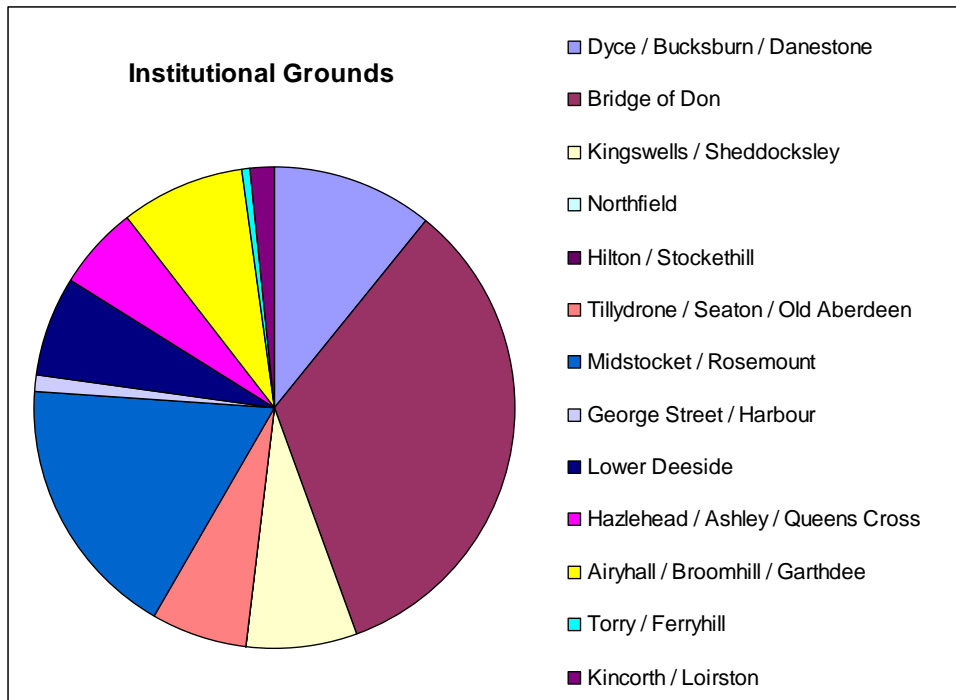
A limitation with this ward-based analysis is that the position of ward boundaries can give an incomplete picture. For example, the Northfield ward shows up as having the third least amount of open space of all the wards, however immediately outside this ward's boundary is a large area of playing fields, a community woodland, and golf course. The maps that accompany the audit (see appendices J to N) provide an alternative, more accurate picture of distribution.



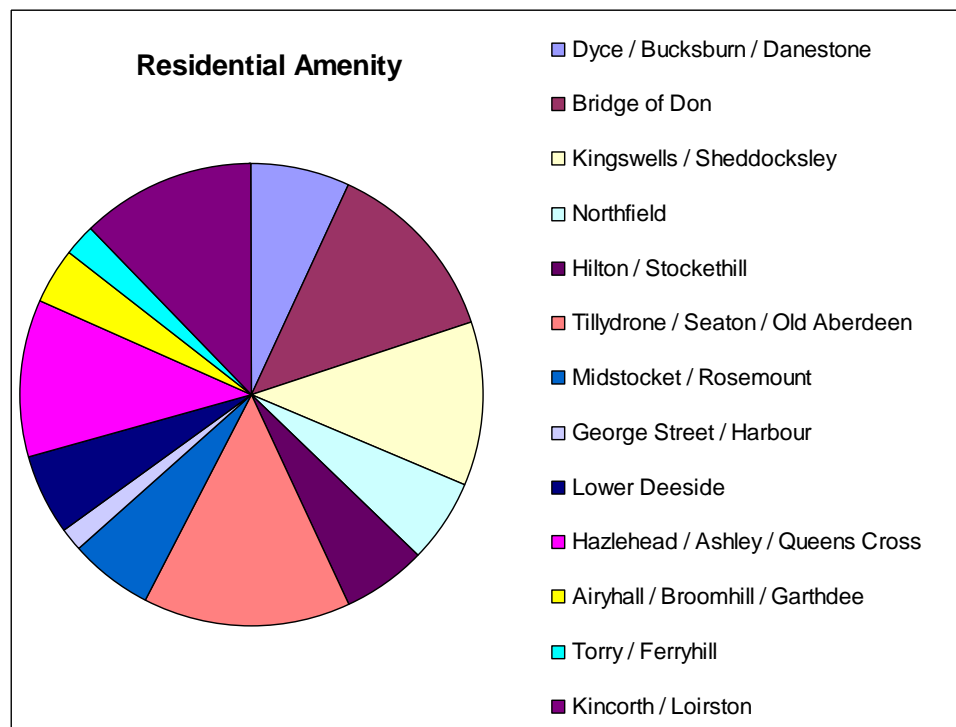
Torry / Ferryhill has the most public parks and gardens (40Ha), which can be explained by the fact that this ward contains some large parks such as Duthie Park and the riverside. Airyhall / Broomhill / Garthdee with 2.19Ha has the least Public Parks and Gardens.



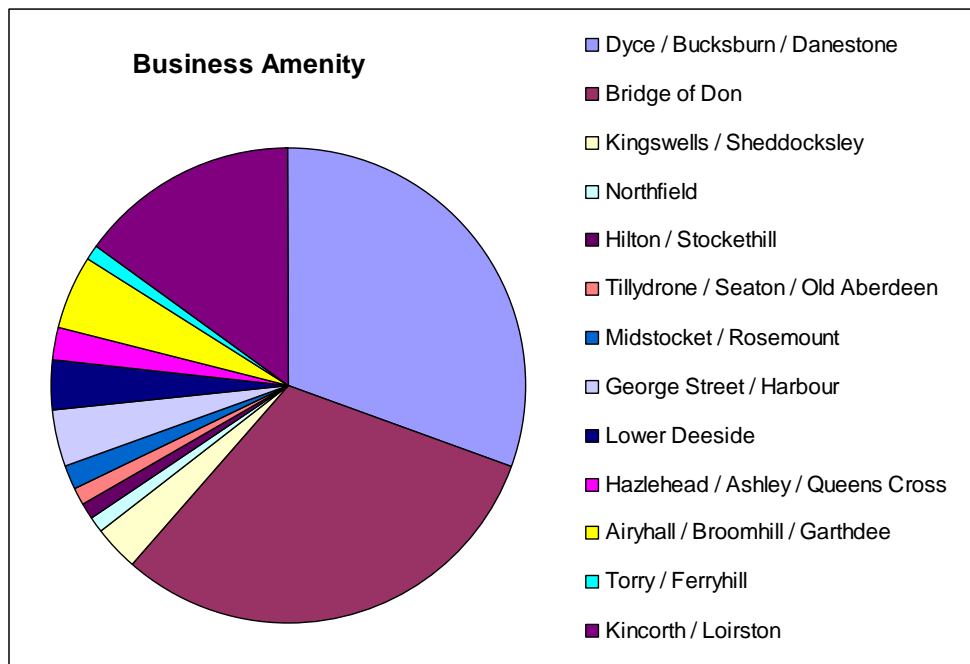
Lower Deeside has the most open spaces forming part of school grounds, with 24Ha. This could be explained by the fact that the ward contains several areas of large school playing fields.



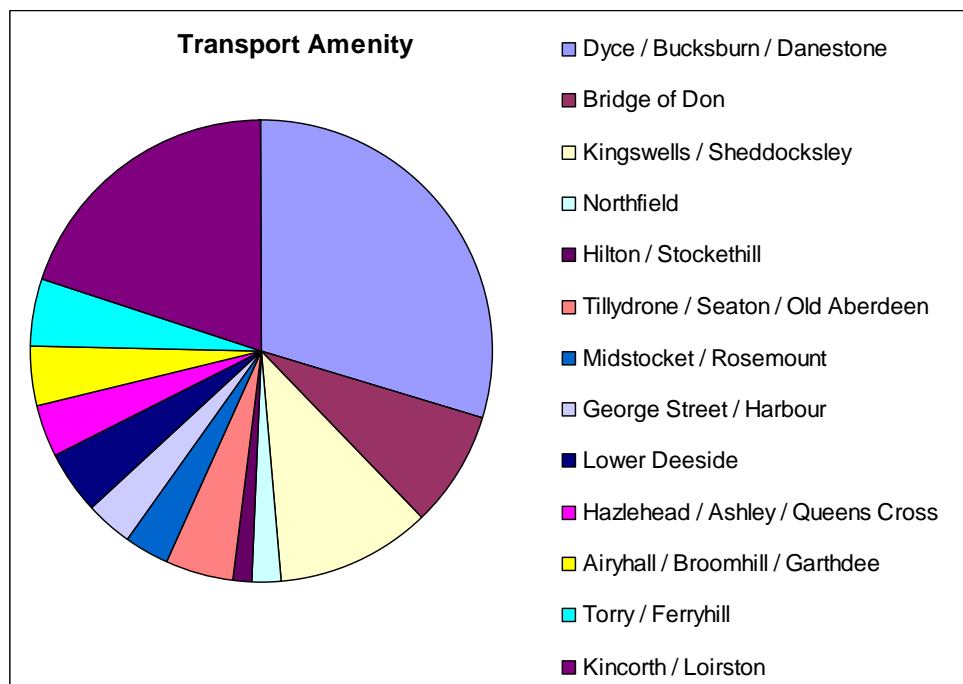
Bridge of Don contains the most institutional grounds (30Ha).



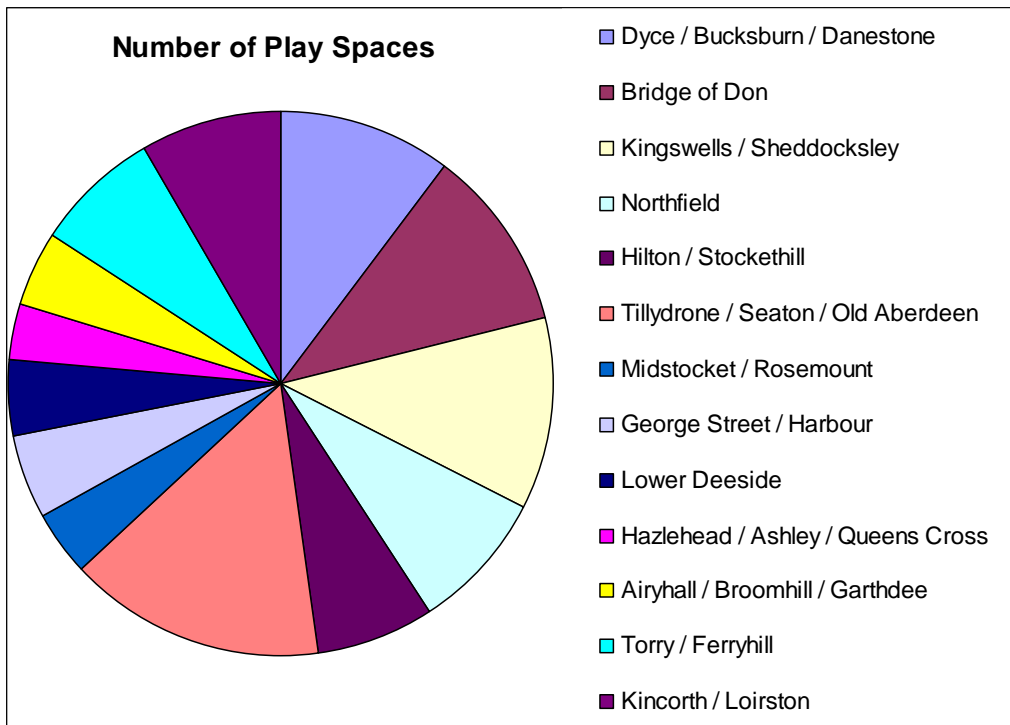
There is a more even spread of residential amenity land across the city's wards than some of the other typologies. However, Bridge of Don, Kingswells / Sheddockley, Tillydrone / Seaton / Old Aberdeen, Hazlehead / Ashley / Queens Cross and Kincorth / Loirston have around twice as much residential amenity space as the other wards. This could be because housing areas developed more recently (1960s onwards) appear to include a high level of residential amenity space, as do the high density Council housing developments often found in regeneration areas.



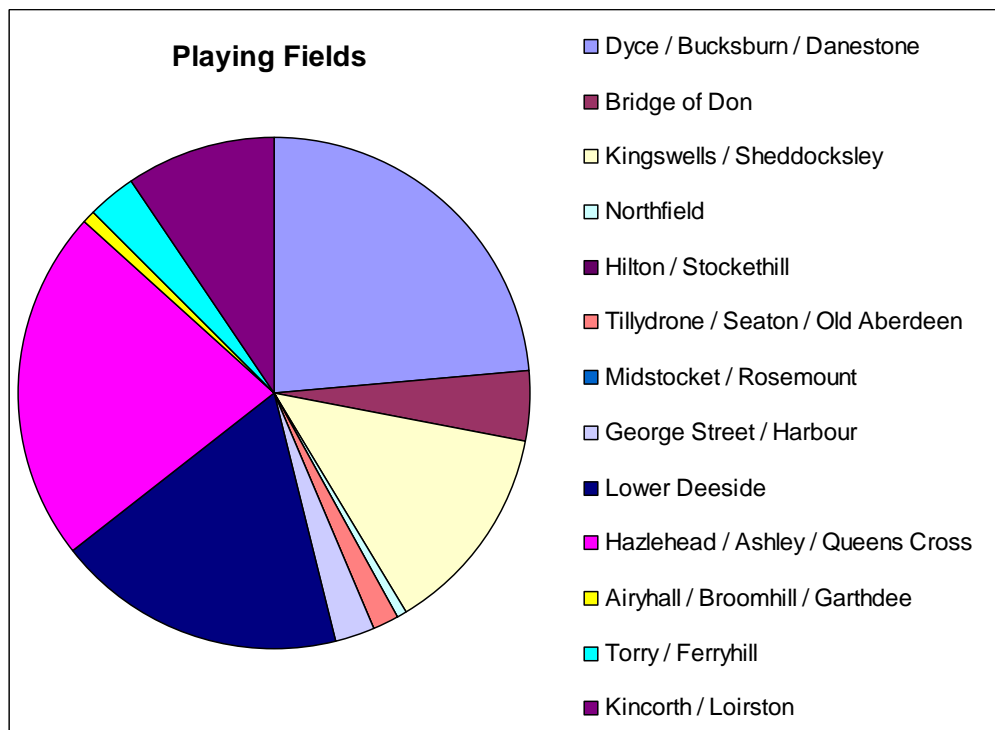
The Dyce / Bucksburn / Danestone, Bridge of Don and Kincorth / Loirston wards contain a significant amount of business amenity open space (51Ha, 52Ha and 25Ha respectively). This reflects the fact that these areas contain the large business and industrial areas such as Kirkhill and Altens Industrial Estates.



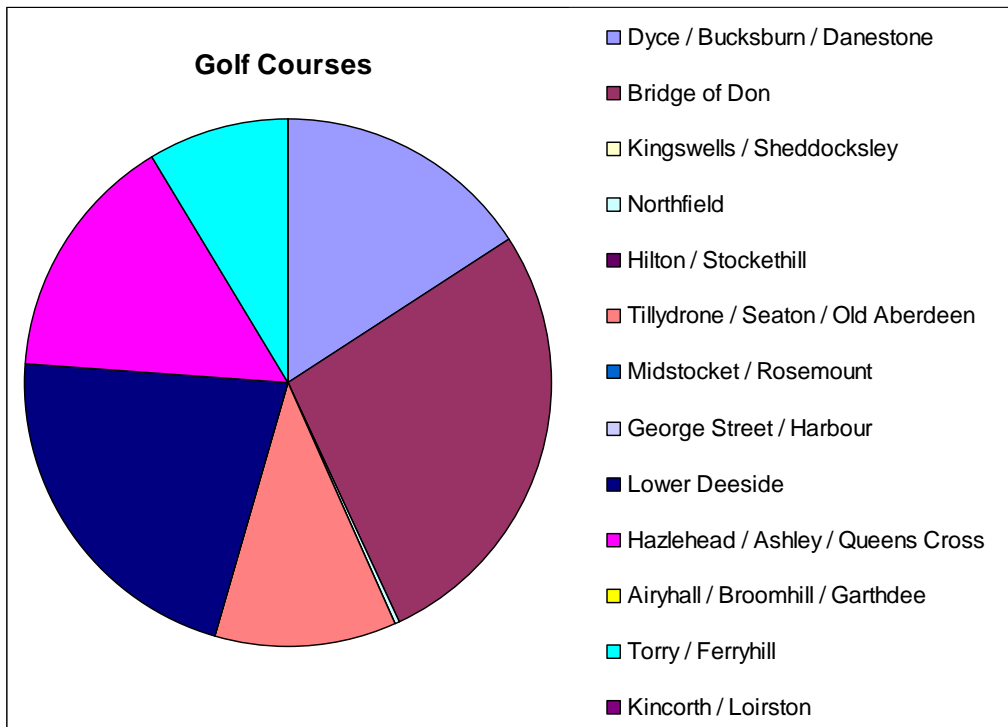
Again, the Dyce / Bucksburn / Danestone, Bridge of Don and Kincorth / Loirston, as well as Kingswells / Sheddocksley wards have far more transport amenity open space (39Ha, 10Ha, 26Ha and 14Ha respectively) than other wards, which have on average 4Ha of this type of open space. This appears to be because the post-1960s housing areas include many roads with wide verges, such as the Parkway in Bridge of Don.



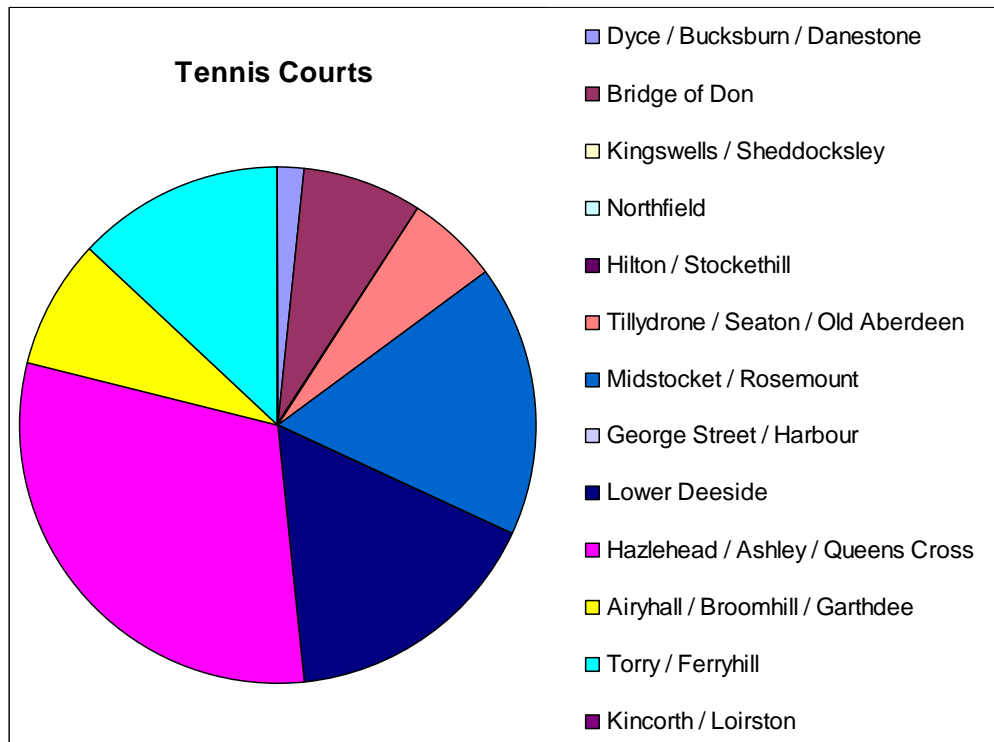
Around half of the city's wards – the more central and historic, built-up wards – each have on average seven play spaces. The wards around the outside of the built up area, contain an average of 16 play spaces. It appears that more recent (post-1960s) housing areas include many small play spaces.



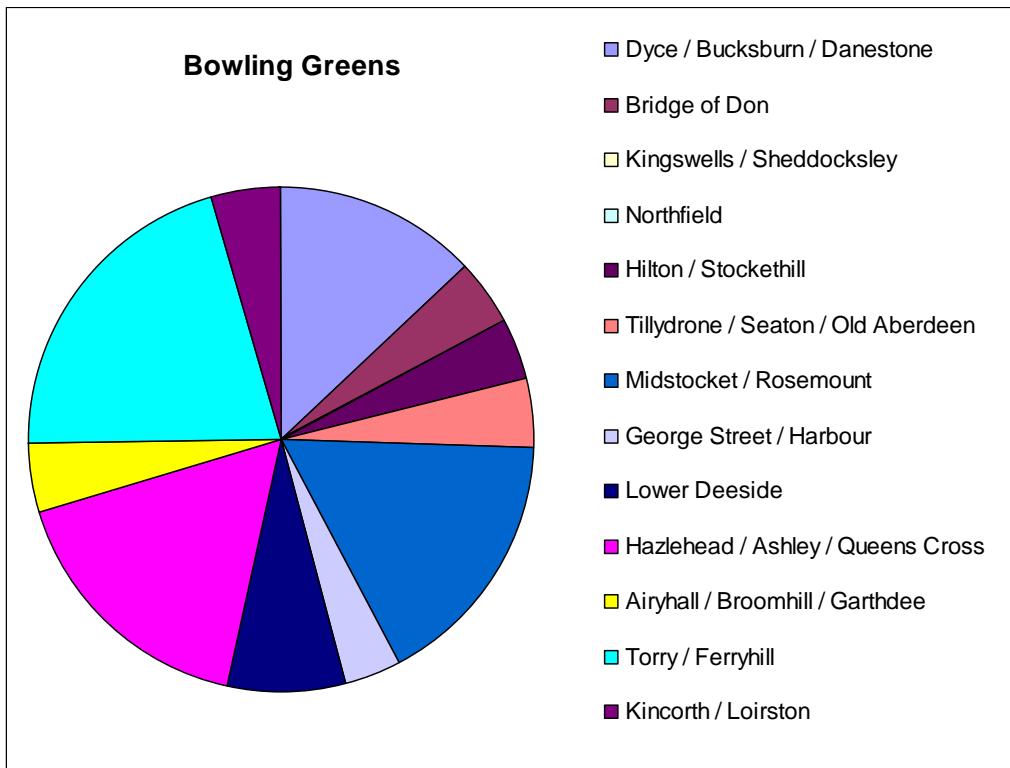
Dyce / Bucksburn / Danestone and Hazlehead / Ashley / Queen's Cross have by far the most playing fields (37Ha and 35Ha respectively).



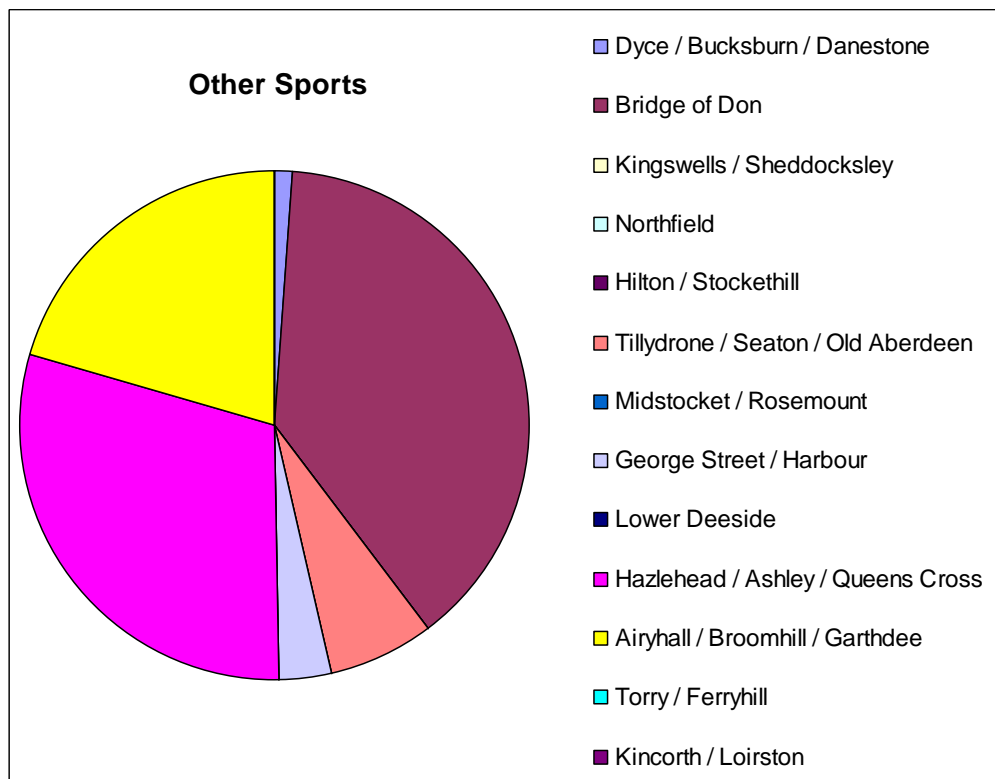
There are public and private golf courses in Dyce / Bucksburn / Danestone, Bridge of Don, Tillydrone / Seaton / Old Aberdeen, Lower Deeside, Hazlehead / Ashley / Queen's Cross and Torry / Ferryhill wards.



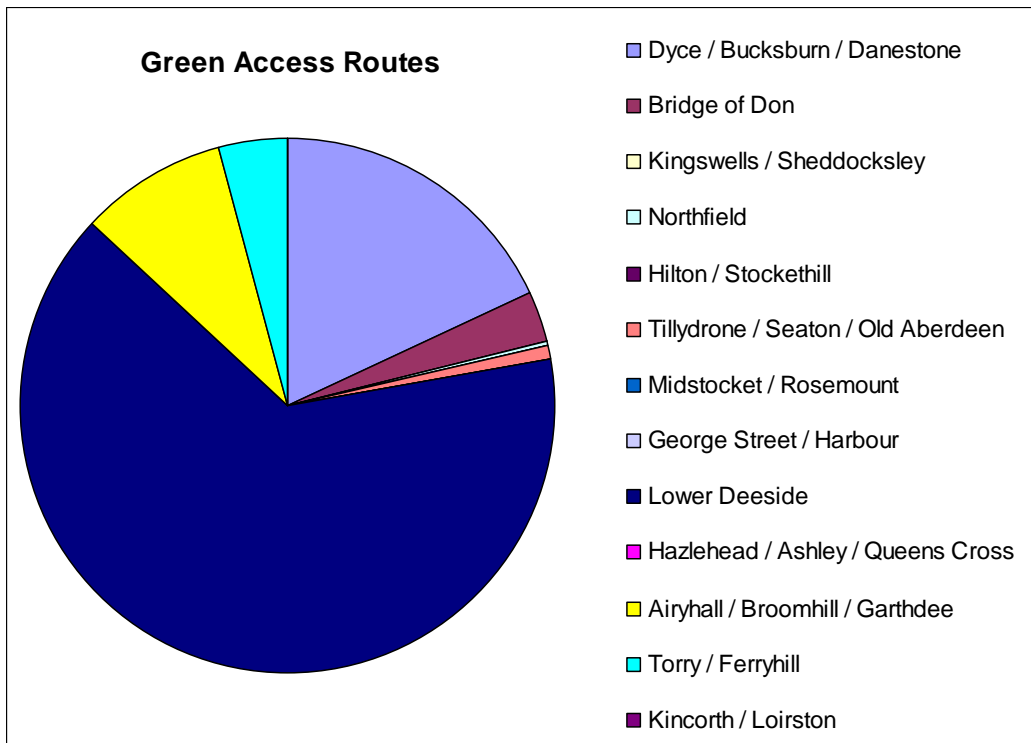
No tennis courts have been recorded as the primary function of open space sites in Kingswells / Sheddocksley, Northfield, Hilton / Stockethill, George Street / Harbour or Kincorth / Loirston. Hazlehead / Ashley / Queens Cross has the most tennis courts, with one hectare.



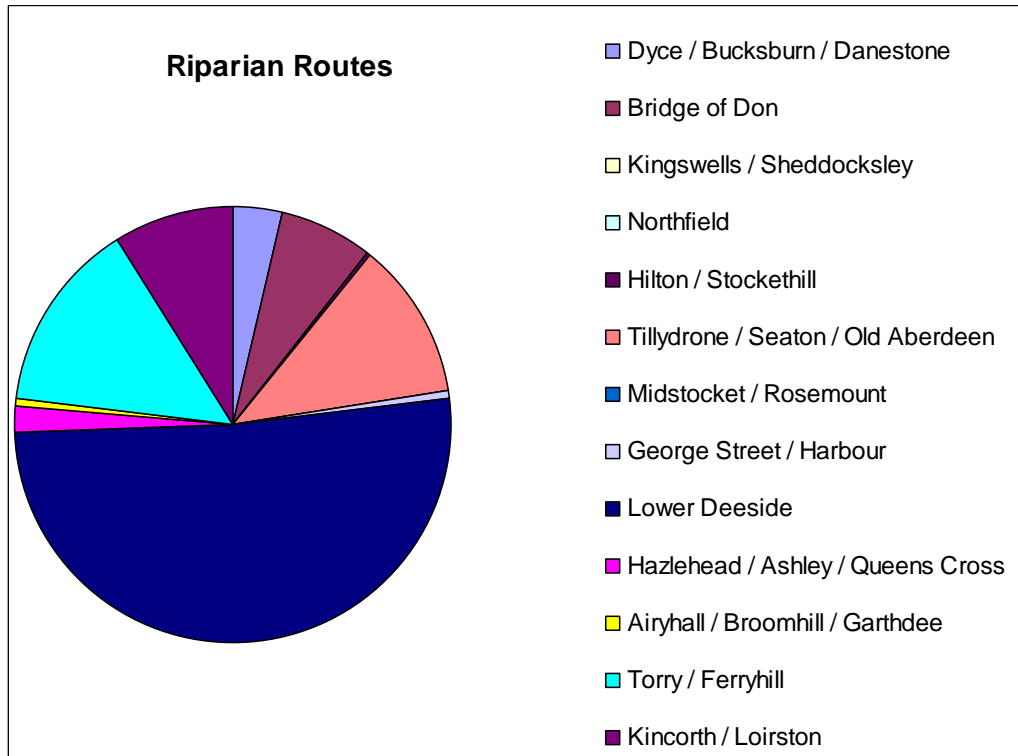
Kingswells / Sheddocksley, Bridge of Don and Northfield have no bowling greens recorded as the primary function of open space sites. Torry / Ferryhill has the most, with 0.8Ha.



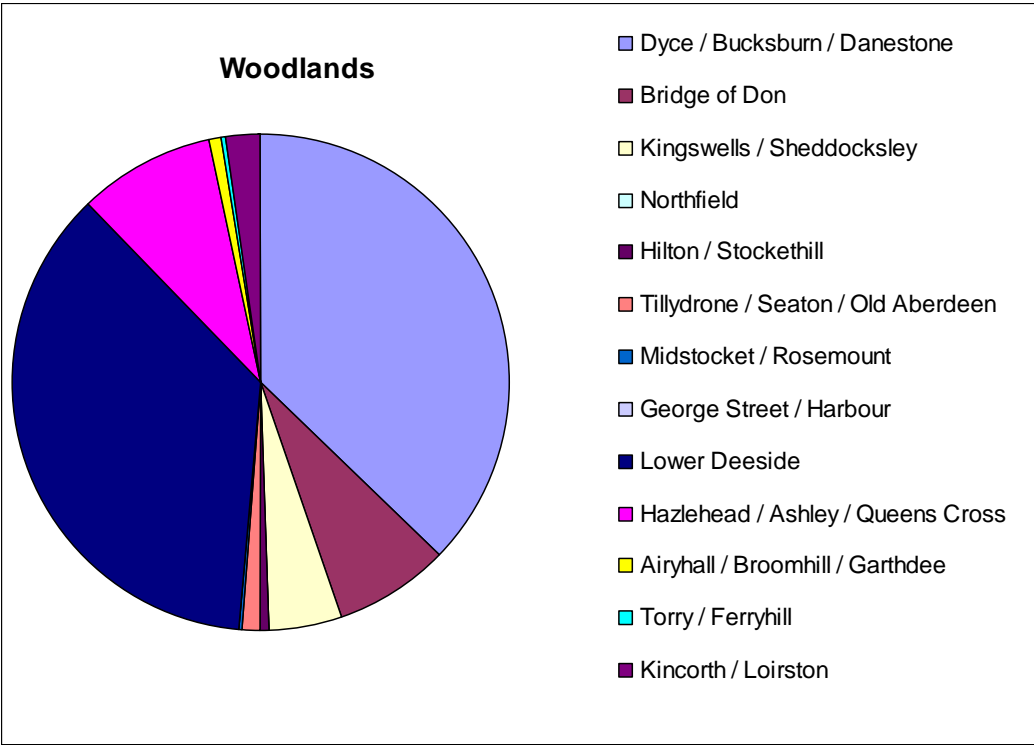
Thirteen sites across the city have been listed as 'Other Sports'. These include for example athletics tracks, basketball courts and the snowsports centre.



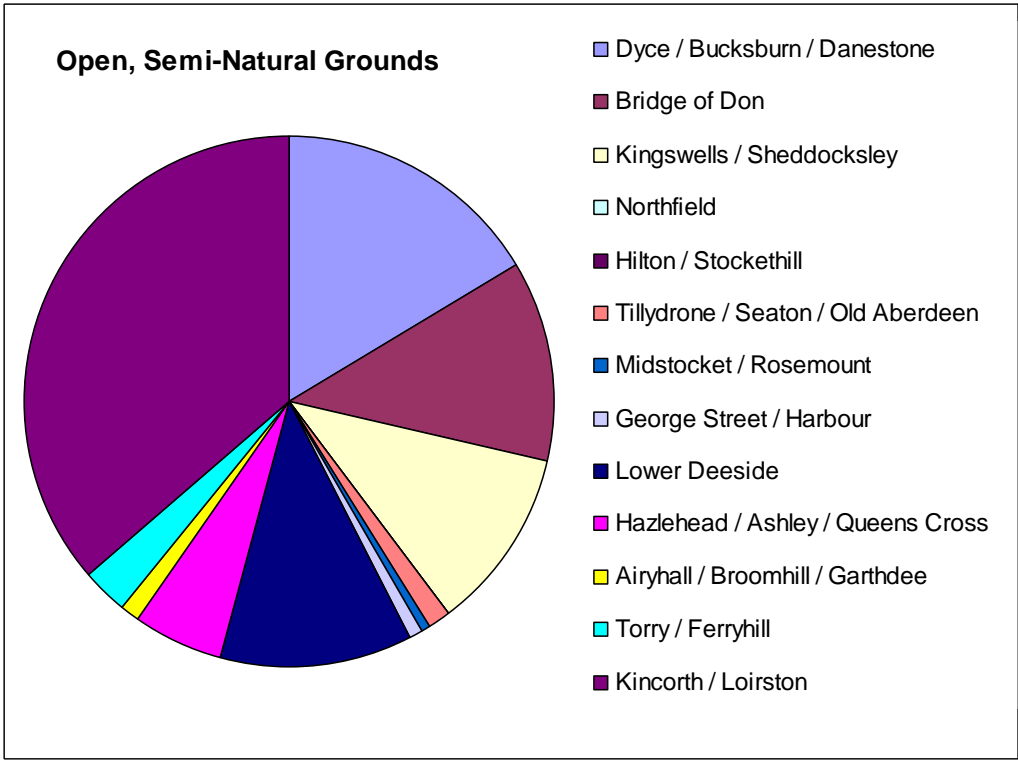
Key green access routes include the Deeside Way and parts of Riverview Park, Dyce, as well as some smaller green corridors through housing areas. Other green access routes often form the secondary function of an open space site.



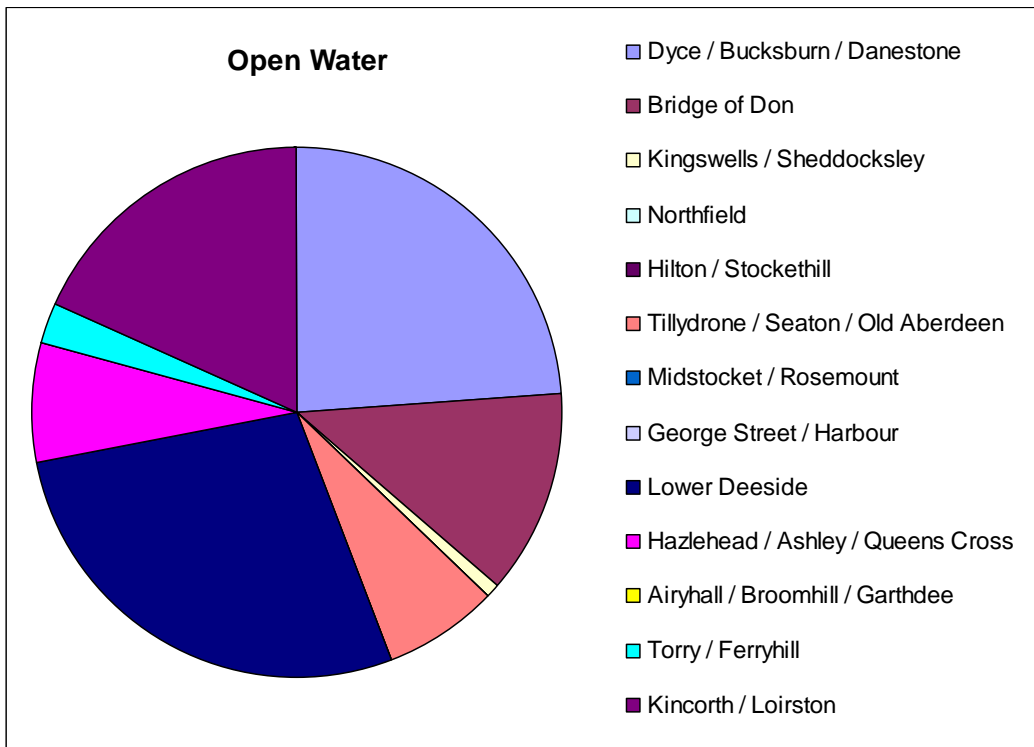
Riparian routes include river banks and therefore most of this type of open space is found in the wards that include the rivers Dee and Don, as well as some smaller streams.



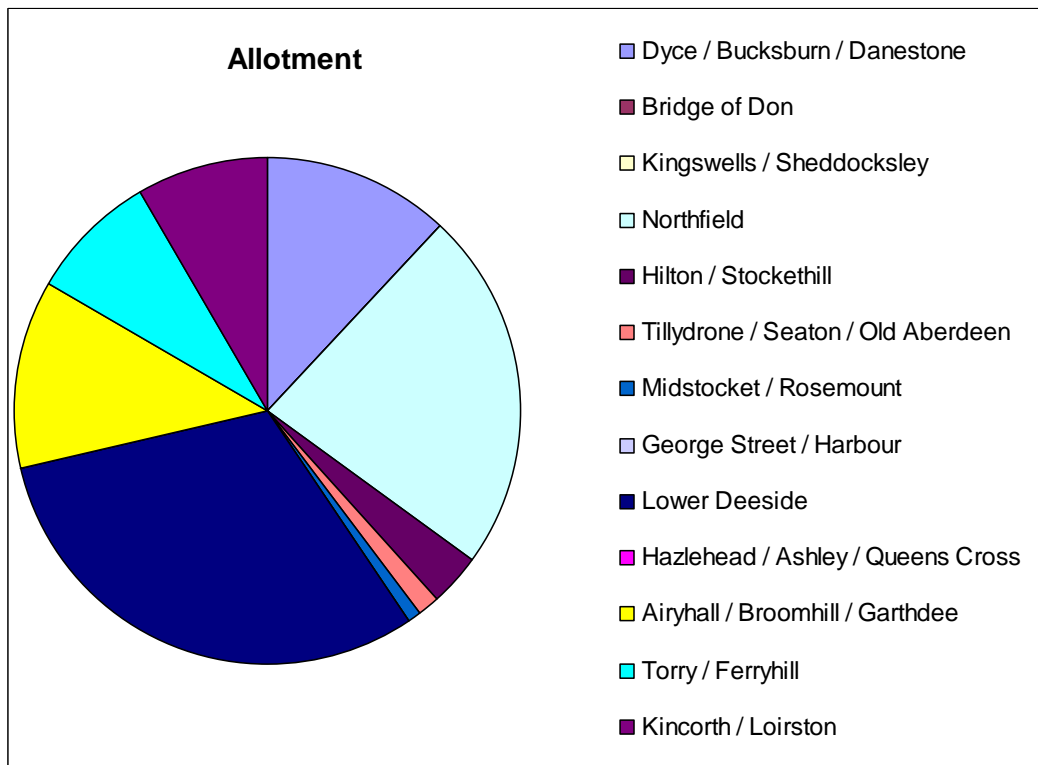
Dyce / Bucksburn / Danestone and Lower Deeside have the most woodland, with 299Ha and 291Ha respectively.



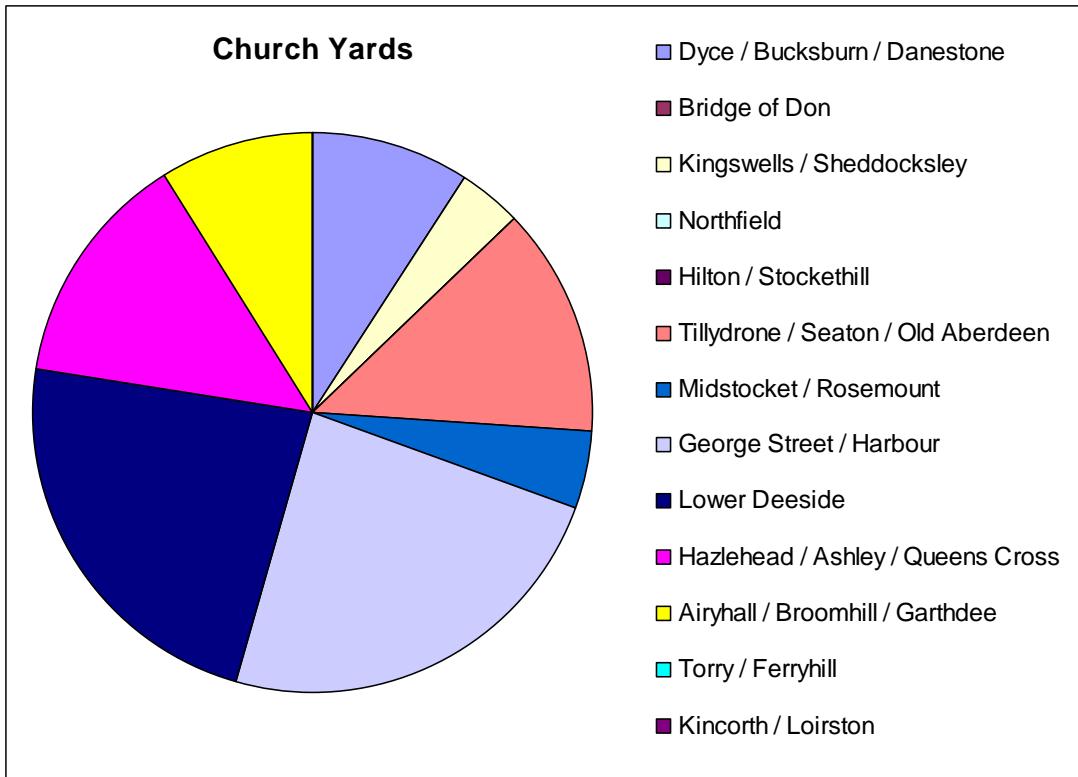
Kincorth / Loirston has the most open, semi-natural open space (277Ha). Tullos Hill and Kincorth Local Nature Reserve account for much of this.



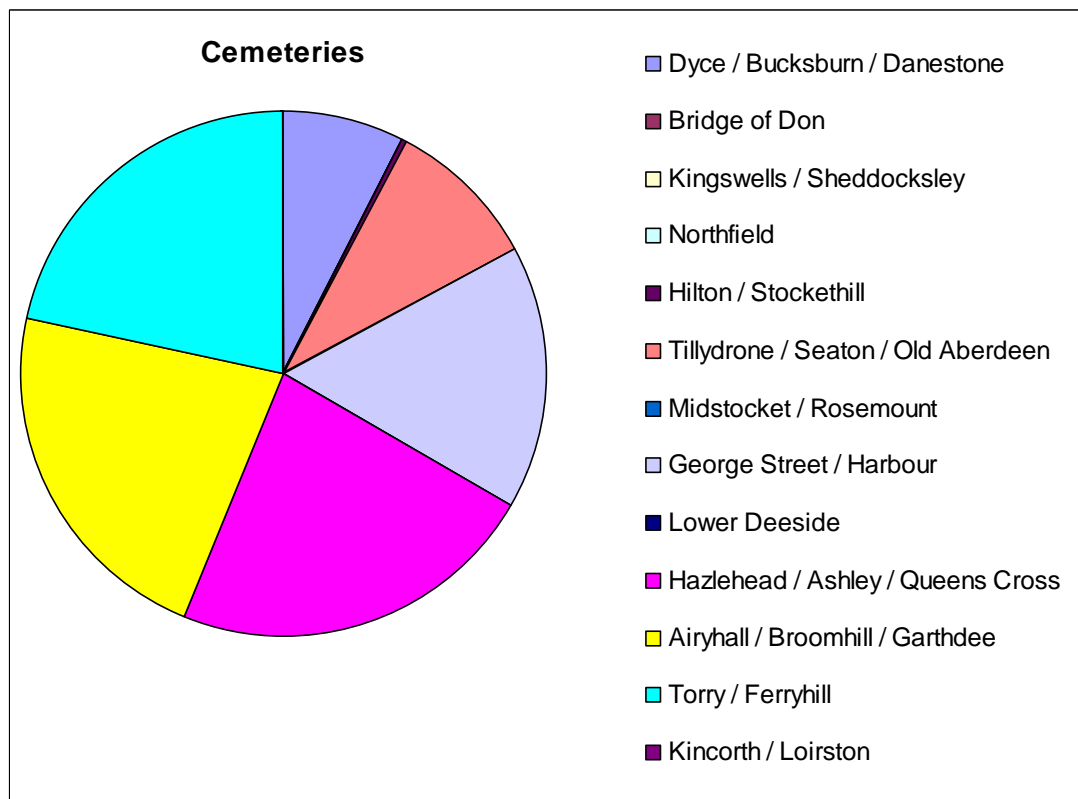
Open water sites include for example Loirston Loch, Inchgarth Reservoir and the rivers.

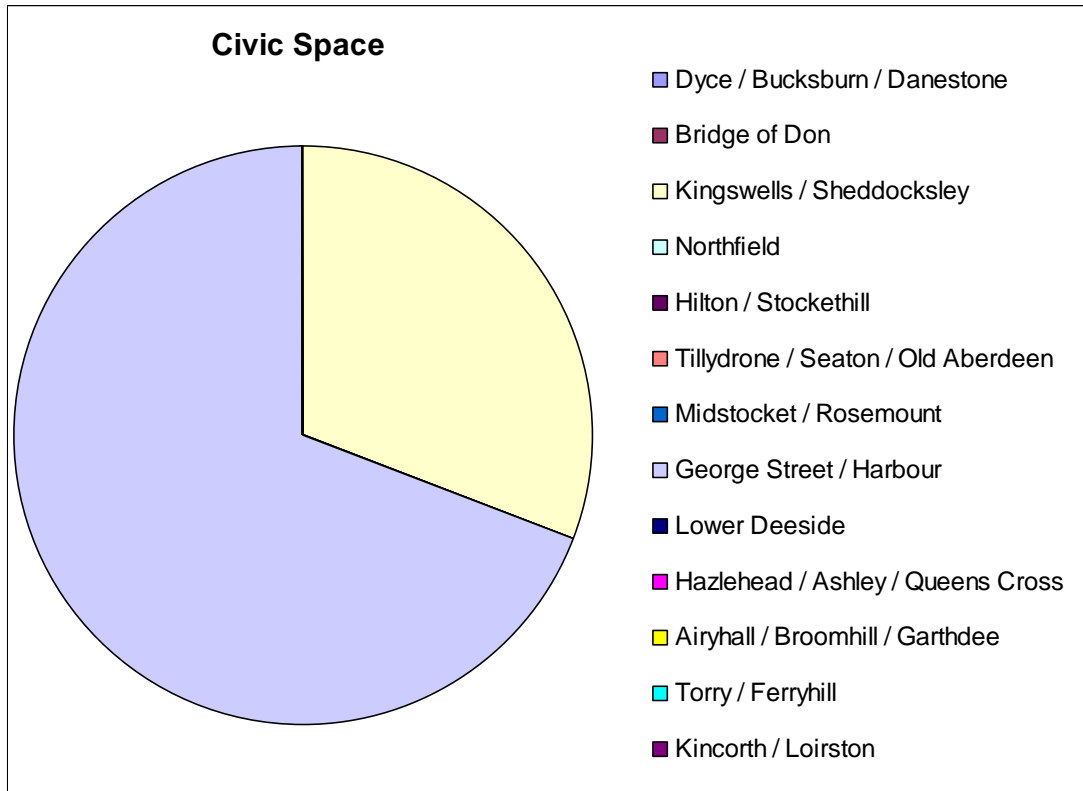


Allotments tend to be found in the more densely developed and older areas of the city. Lower Deeside has the largest area of allotments, with 5 hectares.



By considering the chart above, showing churchyards, alongside the one below, showing cemeteries, it is apparent that Bridge of Don, Northfield and Kincorth / Loirston have no churchyards or cemeteries. The historic parts of the city have most of these types of open space – Hazlehead / Ashley / Queens Cross has the most with 7 hectares.





The total amount of civic space recorded in the audit appears to be unreasonably low, at 0.9 hectares. This could be explained by the fact that the mapping that formed the basis for the audit considered green space, using aerial photography. Although attempts were made to add civic spaces to the audit manually, many civic spaces, which are hard-surfaced, may have been omitted. Most of the city's civic space that has been recorded is found in the George Street / Harbour ward, and most of this is the Castlegate.

APPENDIX E – QUALITY OF OPEN SPACES IN ABERDEEN

This appendix includes a table showing the total average quality scores of each type of open space within each ward of the city and a bar chart showing the average quality scores for all of the open space sites within each ward. Bar charts are also provided that help to show the quality of each type of open spaces across the city's wards.

There are limitations with the scoring of open space sites in terms of their quality, as the score is based on the surveyor's impression of the site on the day it was visited. However the approach is in line with best practice guidance and should offer a consistent and fair assessment of the whole city.

The way in which quality scores were established is explained further in section 3.1 of the main report. A score of up to 5 was available for each of the 5 categories below.

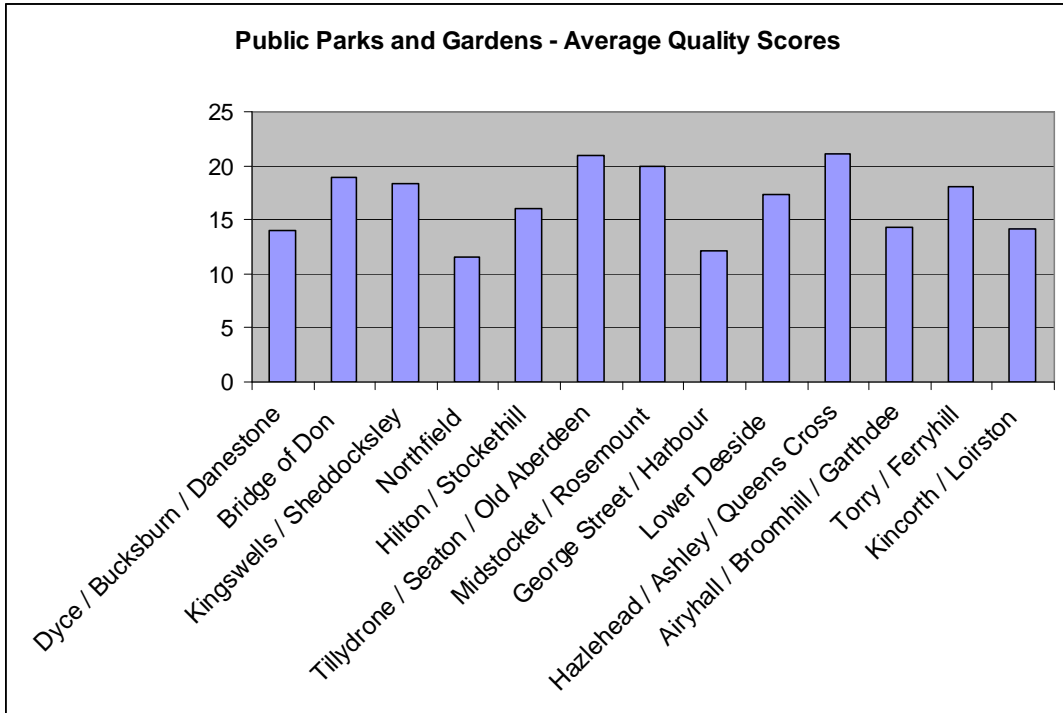
- Accessible and well connected,
- Attractive and appealing place,
- Active, supporting health and well being,
- Community support, or
- Biodiversity.

For analysis purposes, the scores for each of the five categories have been added together, meaning that each site can achieve a total maximum score of 25.

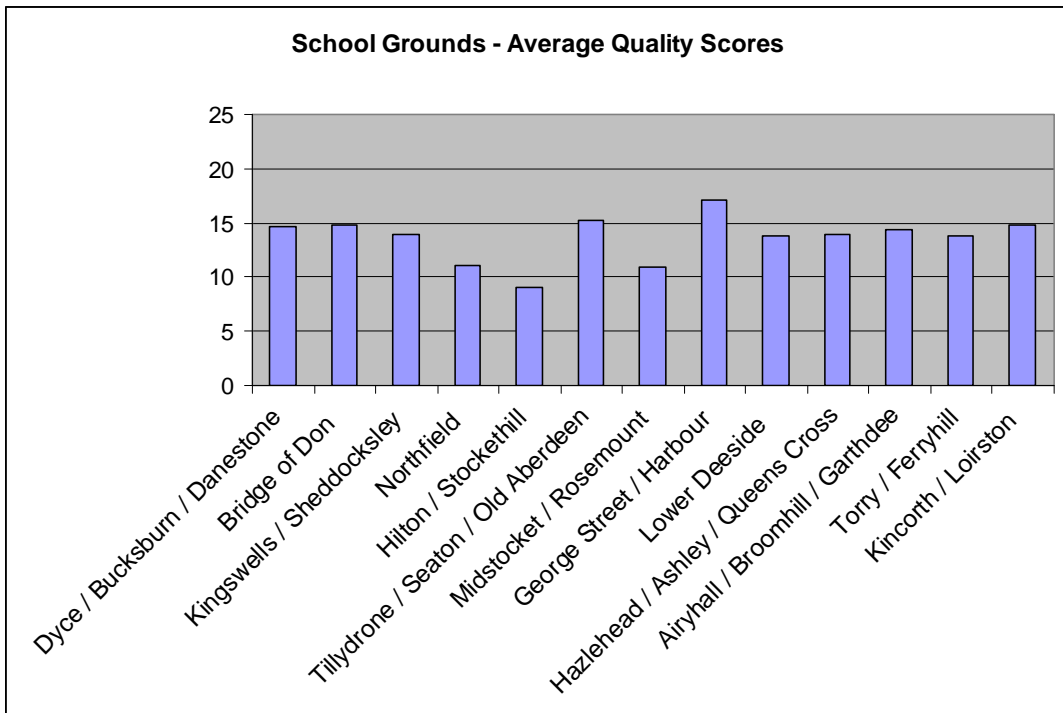
The North East Biological Records Centre (NESBREC) assisted with the biodiversity assessment of selected sites. The sites were identified using GIS on the basis of the types of habitats present. The sites were then given a biodiversity score using information gathered in the Integrated Habitat Survey data 2005. A limitation to this data arises where some sites need to be surveyed during a particular season, and therefore the audit data will be updated when appropriate.

Total Average Quality (out of 25)

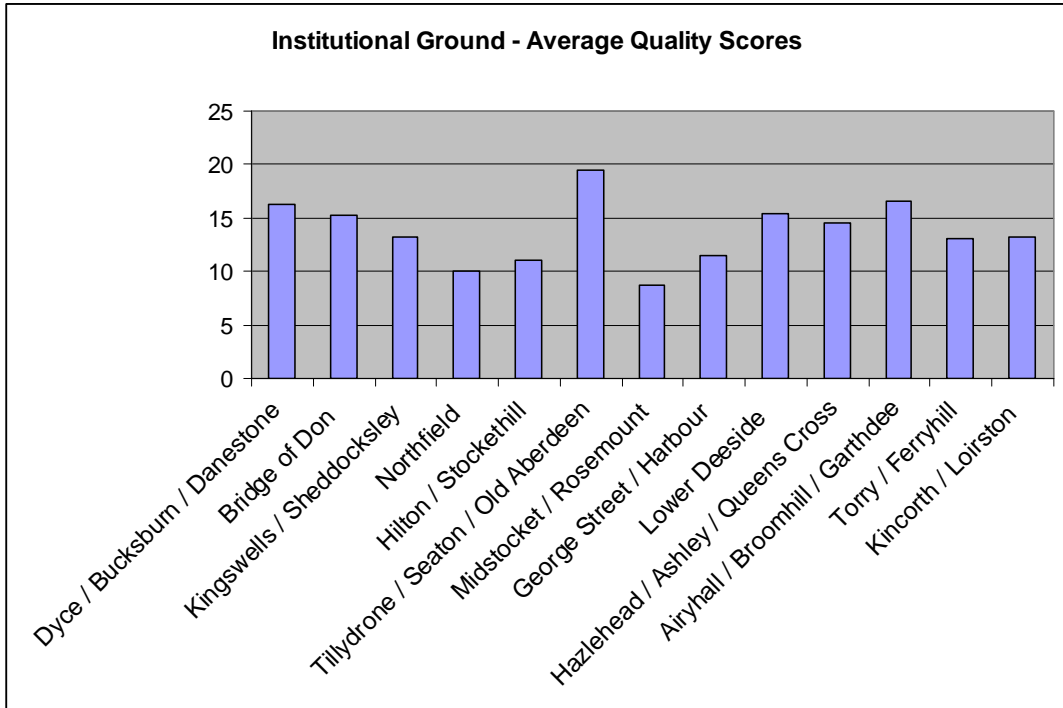
PAN65 Typology	Dyce / Bucksburn / Danestone	Bridge of Don	Kingswells / Sheddocksley	Northfield	Hilton / Stockethill	Tillydrone / Seaton / Old Aberdeen	Midstocket / Rosemount	George Street / Harbour	Lower Deeside	Hazlehead / Ashley / Queens Cross	Airyhall / Broomhill / Garthdee	Torry / Ferryhill	Kincorth / Loirston	Average
Public Parks and Garden	14	19	18	12	16	21	20	12	17	21	14	18	14	17
School Grounds	15	15	14	11	9	15	11	17	14	14	14	14	15	14
Institutional Grounds	16	15	13	10	11	19	9	12	15	15	17	13	13	14
Amenity - Residential	14	14	14	12	10	13	13	14	14	15	14	13	13	13
Amenity - Business	12	13	13	10	10	17	11	14	15	14	10	12	9	12
Amenity - Transport	13	13	13	11	9	13	12	14	14	16	12	14	11	13
Playspace	13	16	17	9	14	13	15	12	14	13	14	14	17	14
Playing Fields	12	14	16	11	14	12	0	15	13	13	17	17	12	14
Golf Courses	17	13	0	16	0	13	0	0	19	21	0	15	0	16
Tennis Courts	14	14	0	0	0	14	16	0	14	15	15	17	0	15
Bowling Greens	13	0	0	0	11	14	18	12	15	13	15	16	14	14
Other Sports	18	15	0	0	0	14	0	12	0	19	18	0	0	16
Green Access Routes	14	11	0	12	0	17	0	0	20	0	20	22	0	17
Riparian Routes	12	22	0	0	14	0	0	16	18	12	18	16	20	16
Woodlands	14	17	16	12	10	18	13	0	16	21	17	18	15	16
Open Semi-Natural	14	17	16	0	7	17	15	17	14	18	15	17	15	15
Open Water	15	15	15	0	0	18	12	0	17	15	0	18	15	16
Allotments	13	0	0	12	10	13	8	0	14	0	15	12	13	12
Church Yards	14	0	12	0	0	17	10	20	17	16	16	0	0	15
Cemeteries	16	0	0	0	8	15	0	16	0	17	15	15	0	15
Civic Space	0	0	15	0	0	0	0	13	0	0	0	0	0	14
Average Quality Score	14	15	15	11	11	15	13	14	15	16	15	16	14	



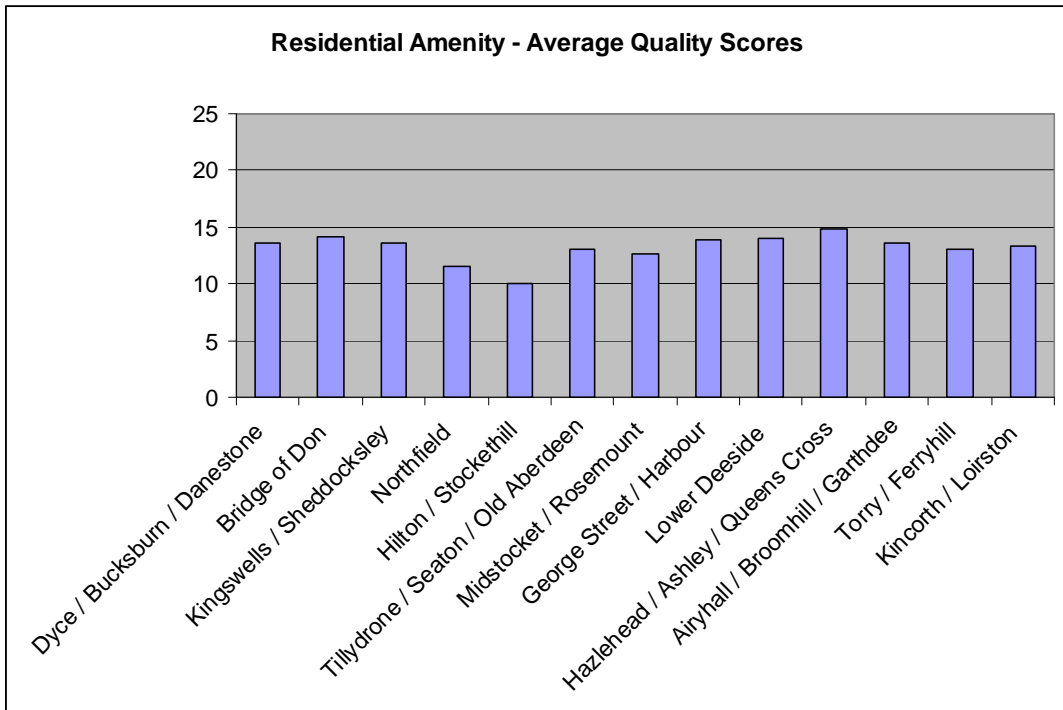
The wards with the highest quality public parks and gardens include Hazlehead / Ashley / Queens Cross, Tillydrone / Seaton / Old Aberdeen and Midstocket / Rosemount. This could be explained by the fact that these areas contain some of the city's heritage parks, such as Hazlehead, Victoria and Seaton. Northfield and George Street / Harbour wards' public parks and gardens are of the poorest quality.



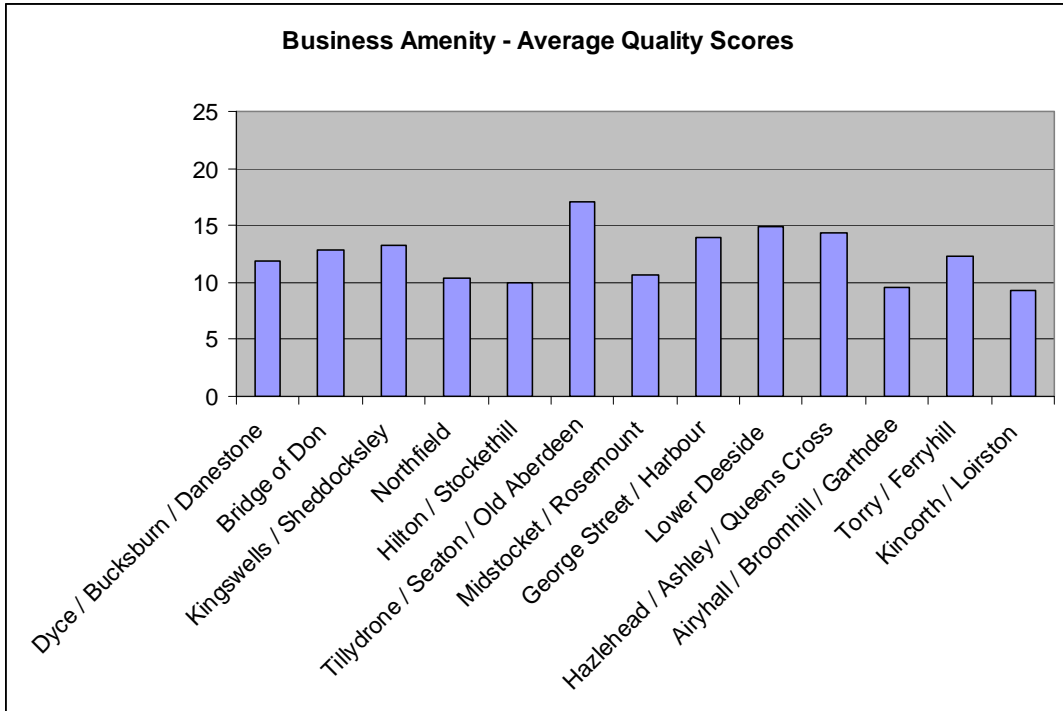
There are limitations with the quality scoring of school grounds, in that it was not possible for surveyors to gain access to many sites, therefore some scoring elements are omitted.



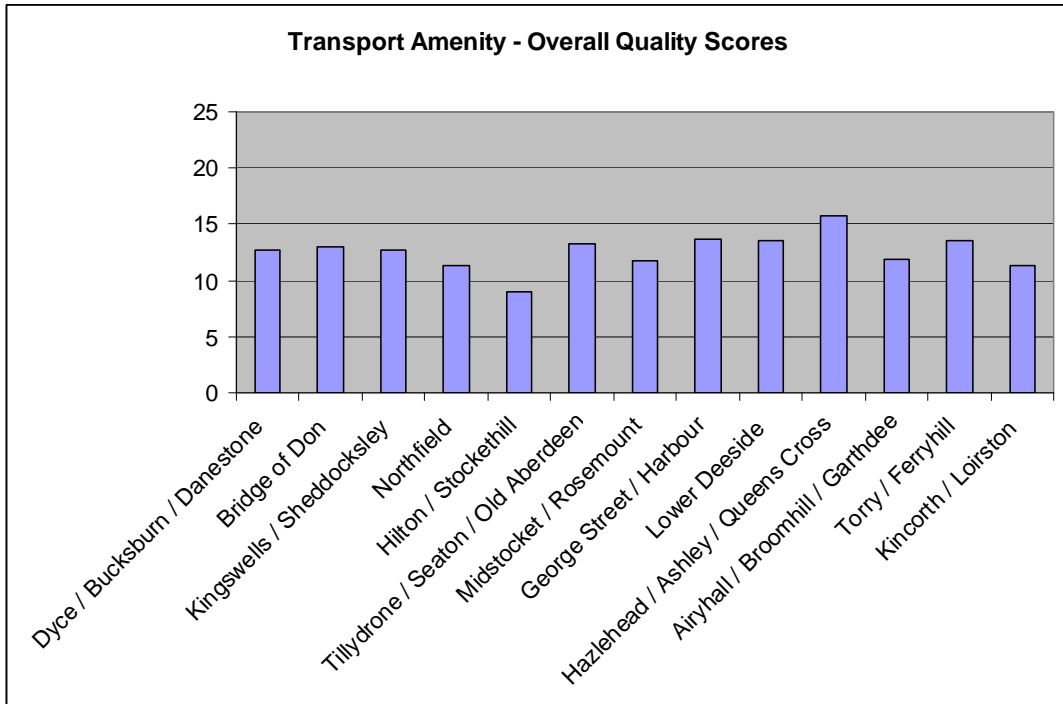
Tillydrone / Seaton / Old Aberdeen’s institutional grounds scored best in terms of overall quality, with Airyhall / Broomhill / Garthdee scoring second highest. These wards include the Aberdeen and Robert Gordon’s University campuses respectively.



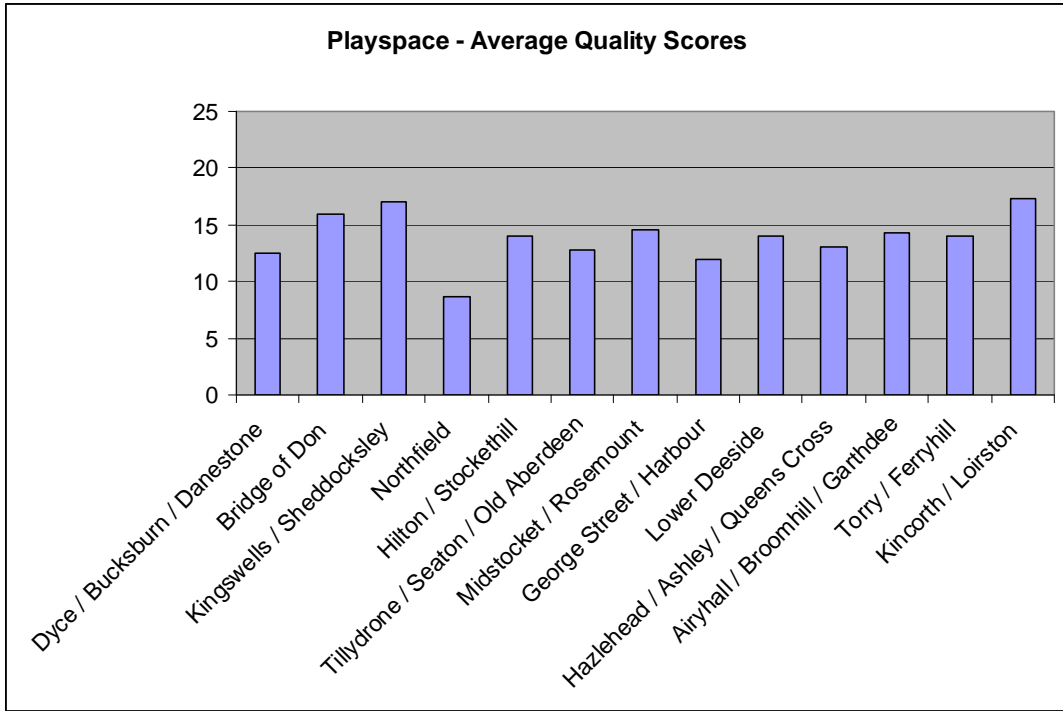
The quality scores for residential amenity land scored fairly consistently low across the city.



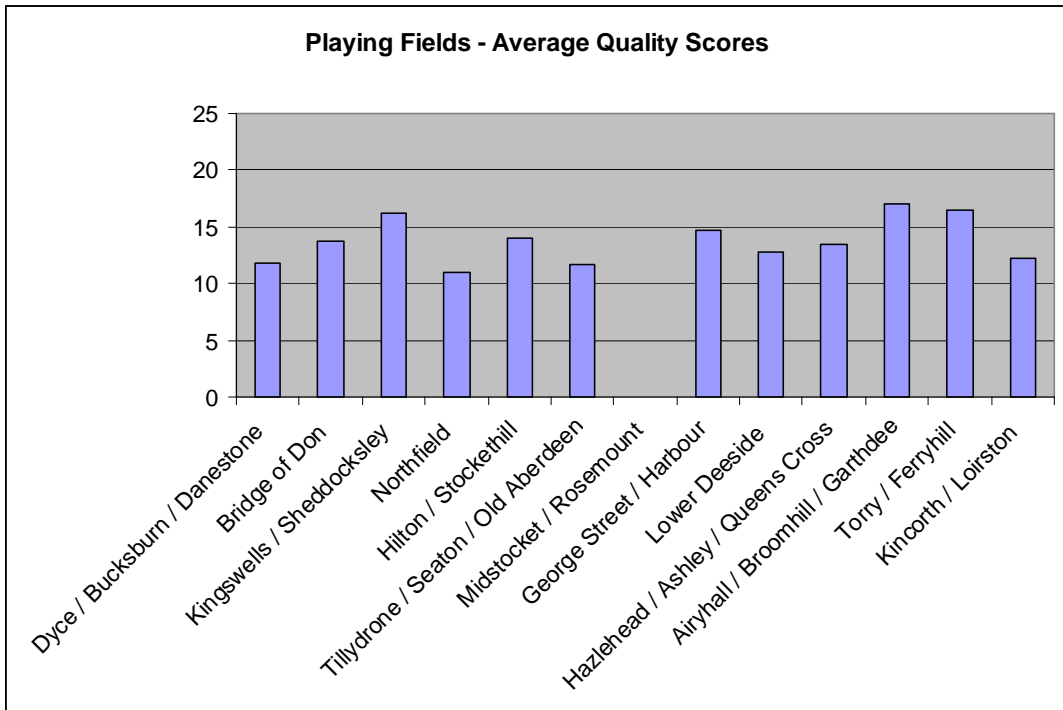
The areas with a significant amount of business amenity open space (Dyce / Bucksburn / Danestone, Bridge of Don and Kincorth / Loirston) score poorly in terms of quality.



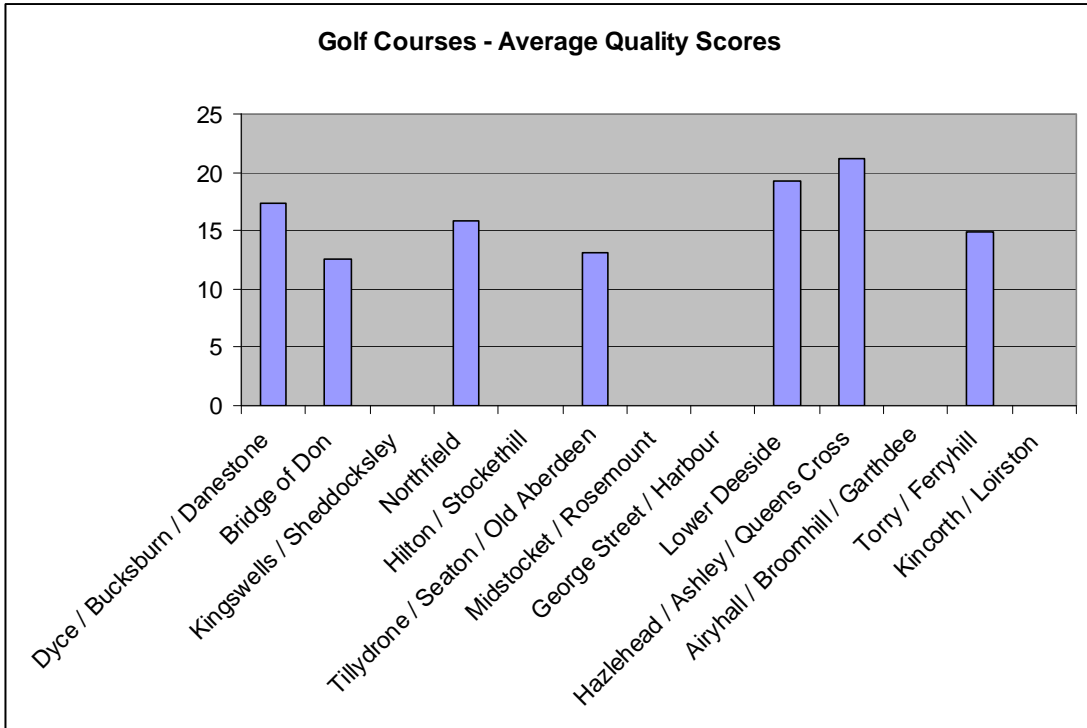
Transport amenity open space, such as road verges and landscaping generally scores poorly in terms of quality.



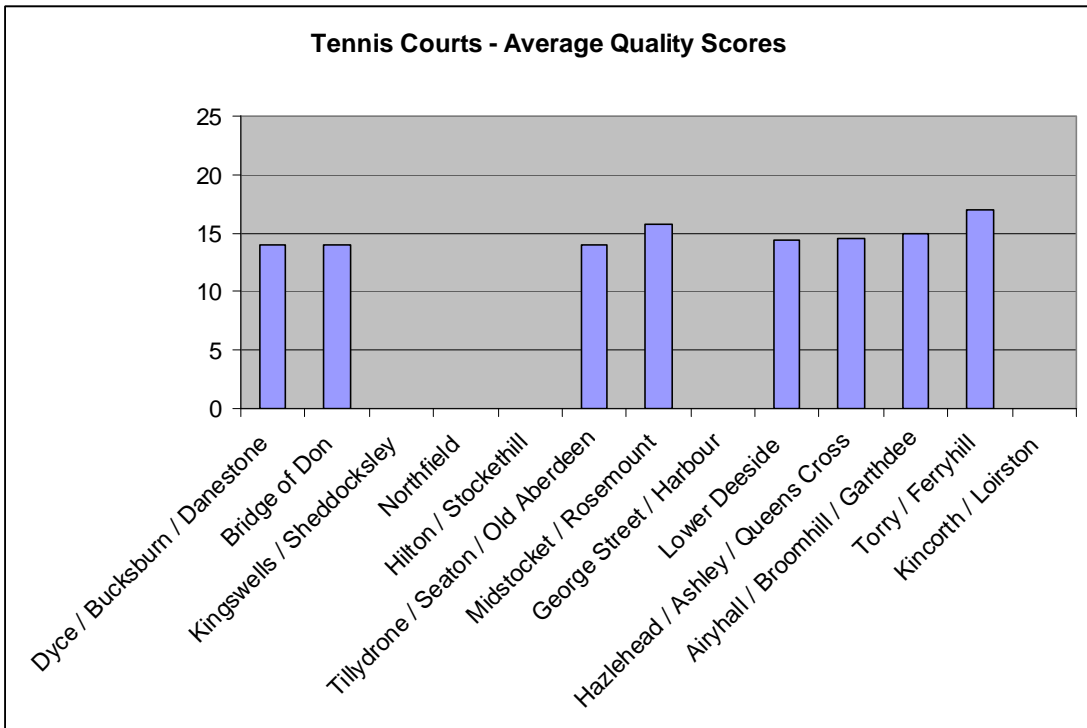
Bridge of Don, Kingswells / Sheddocksley and Kincorth / Loirston's play spaces achieve the highest average quality scores. Northfield scores significantly lower than other wards, with 9 out of 25.



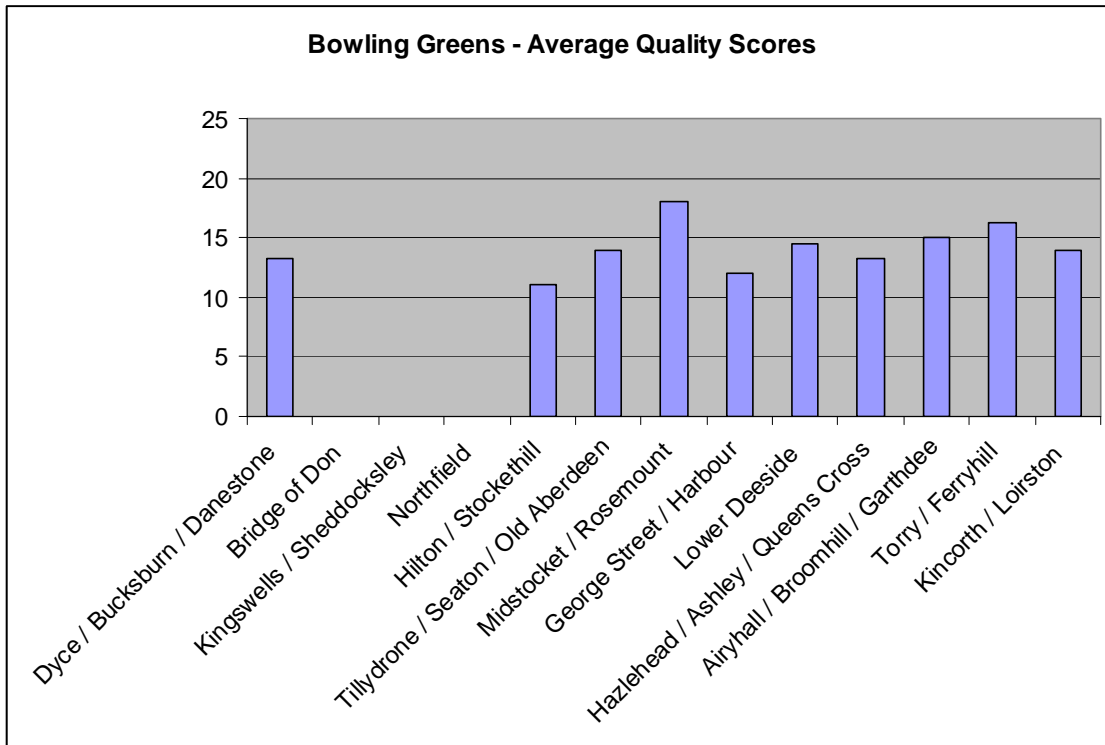
Kingswells / Sheddocksley, Airyhall / Broomhill / Garthdee and Torry / Ferryhill achieve the highest quality scores for their playing fields. Northfield scores lowest, although within this ward there are very few playing fields. There is a large area of playing fields nearby in the Kingswells / Sheddocksley ward however.



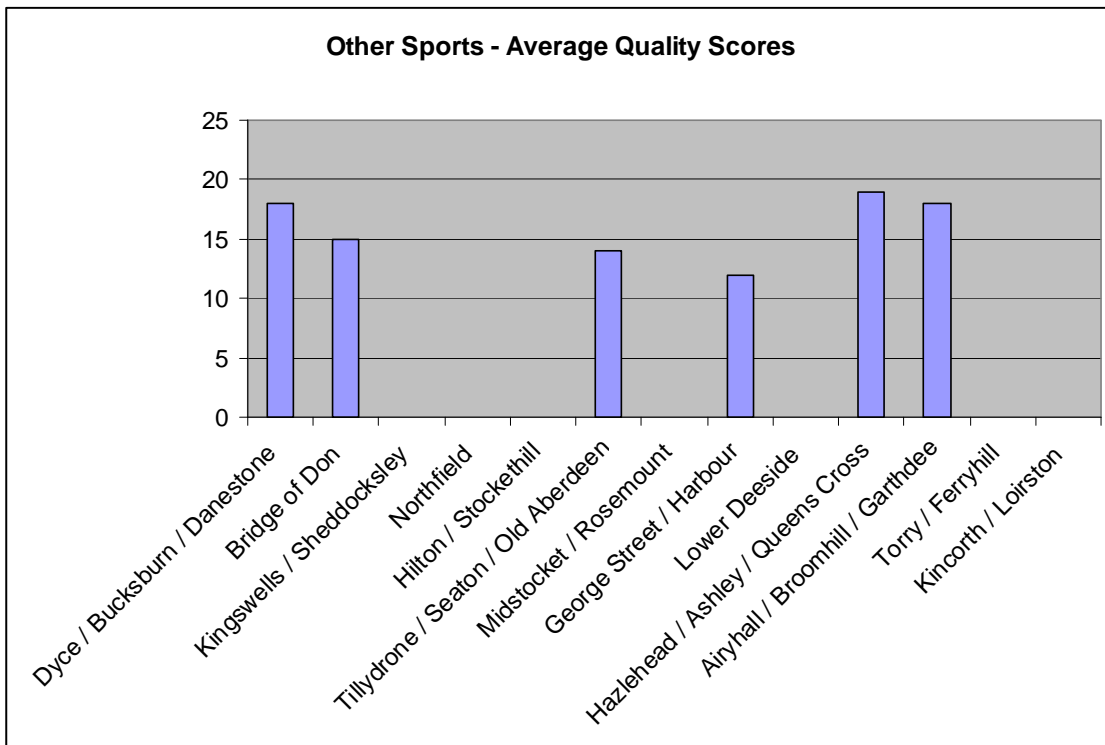
The quality criteria applied may not provide a very specific or wholly relevant picture for assessing the quality of golf courses, as the scoring will take into account factors like public facilities, diversity of uses and other criteria that may not be relevant or necessary for all public and private golf courses.

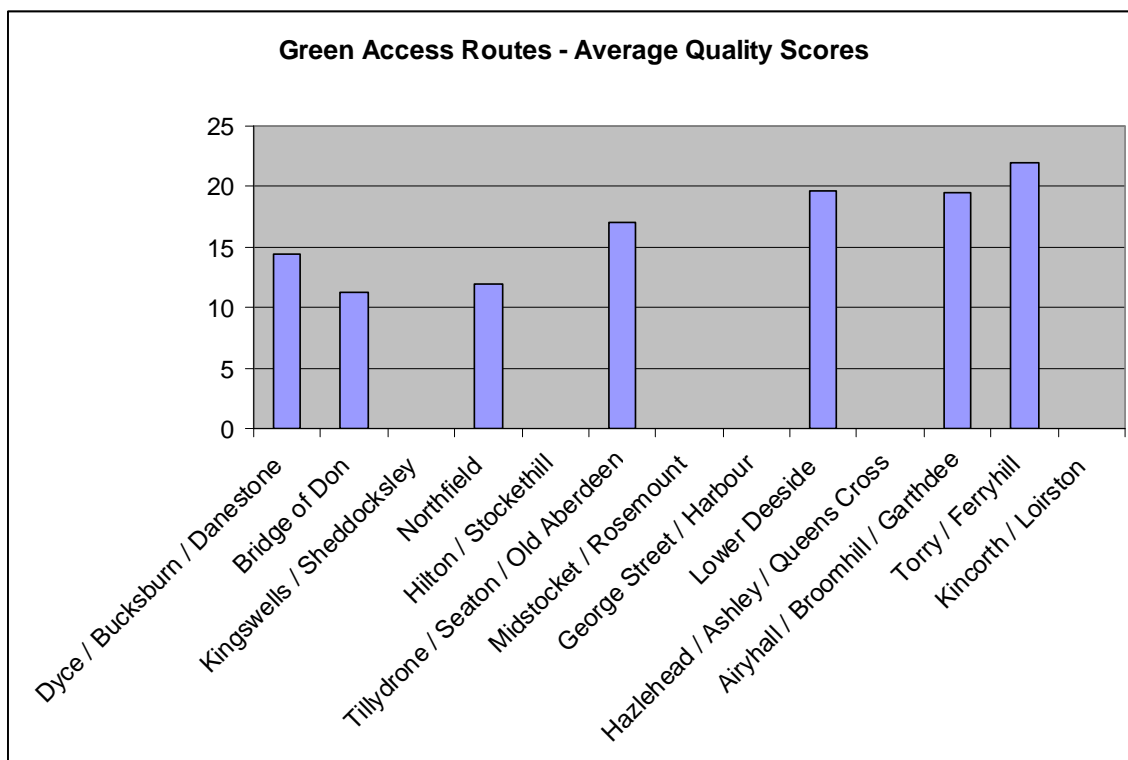


The average scores for tennis courts are fairly consistent across the city.

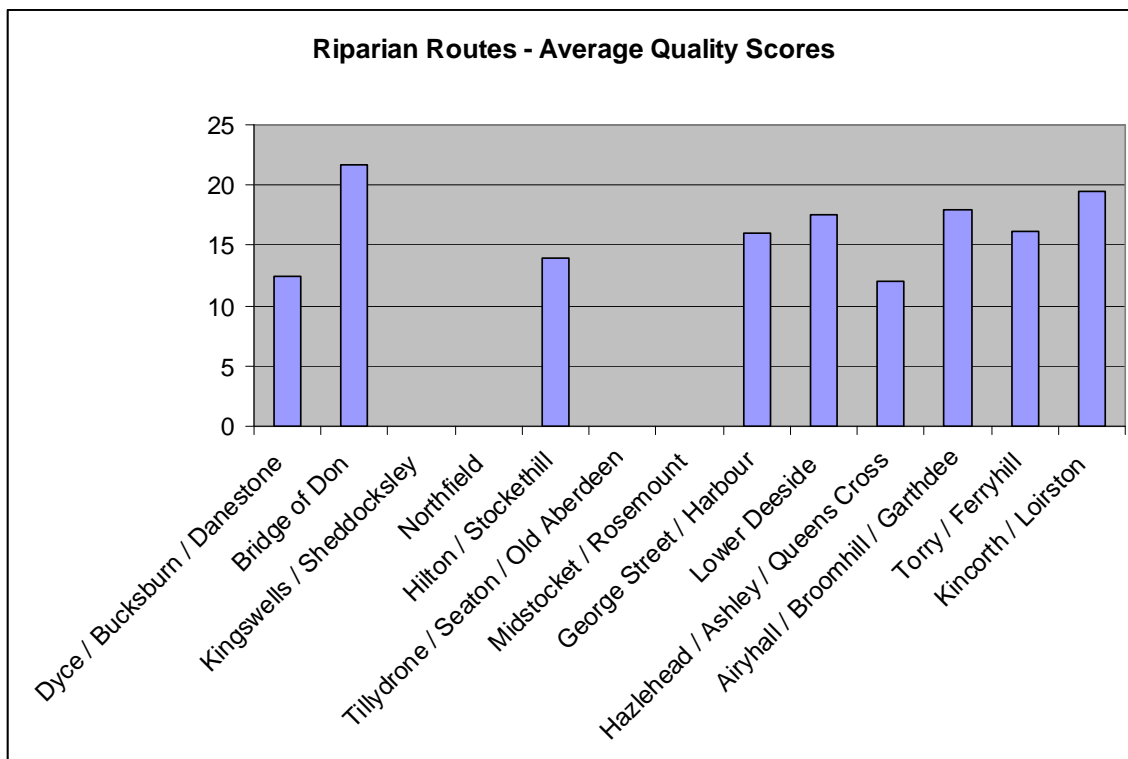


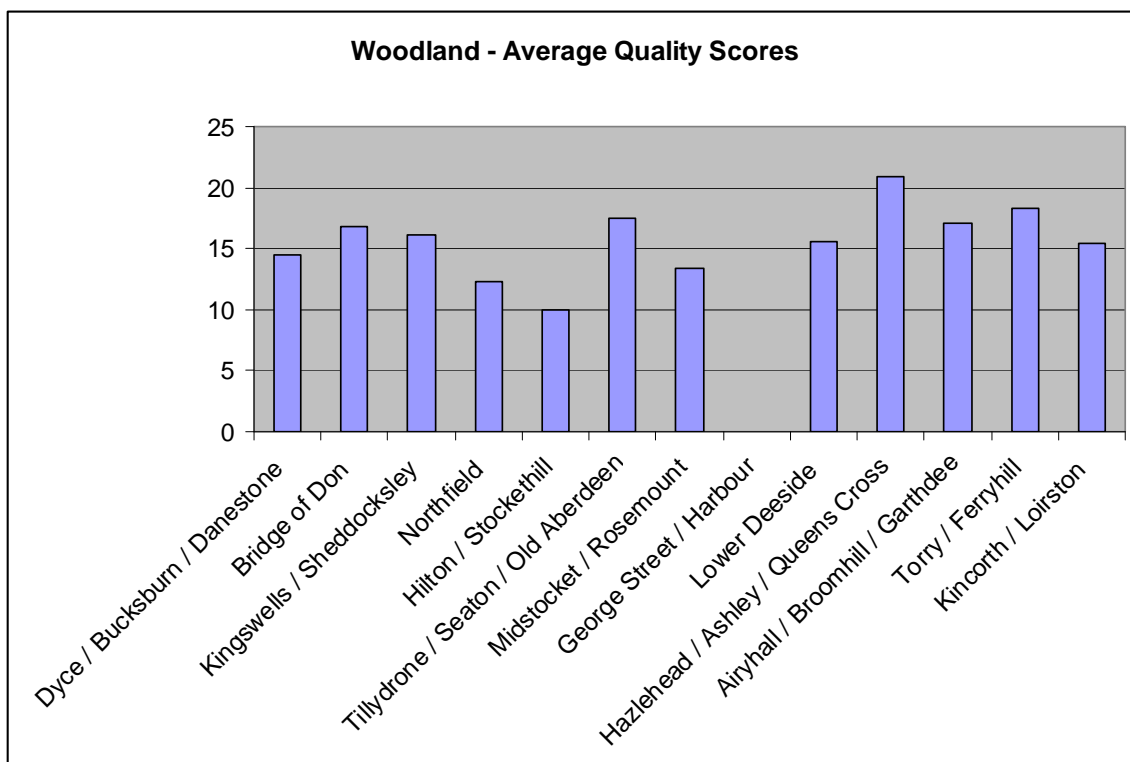
The bowling greens achieving the highest quality scores are situated in the Midstocket / Rosemount ward.



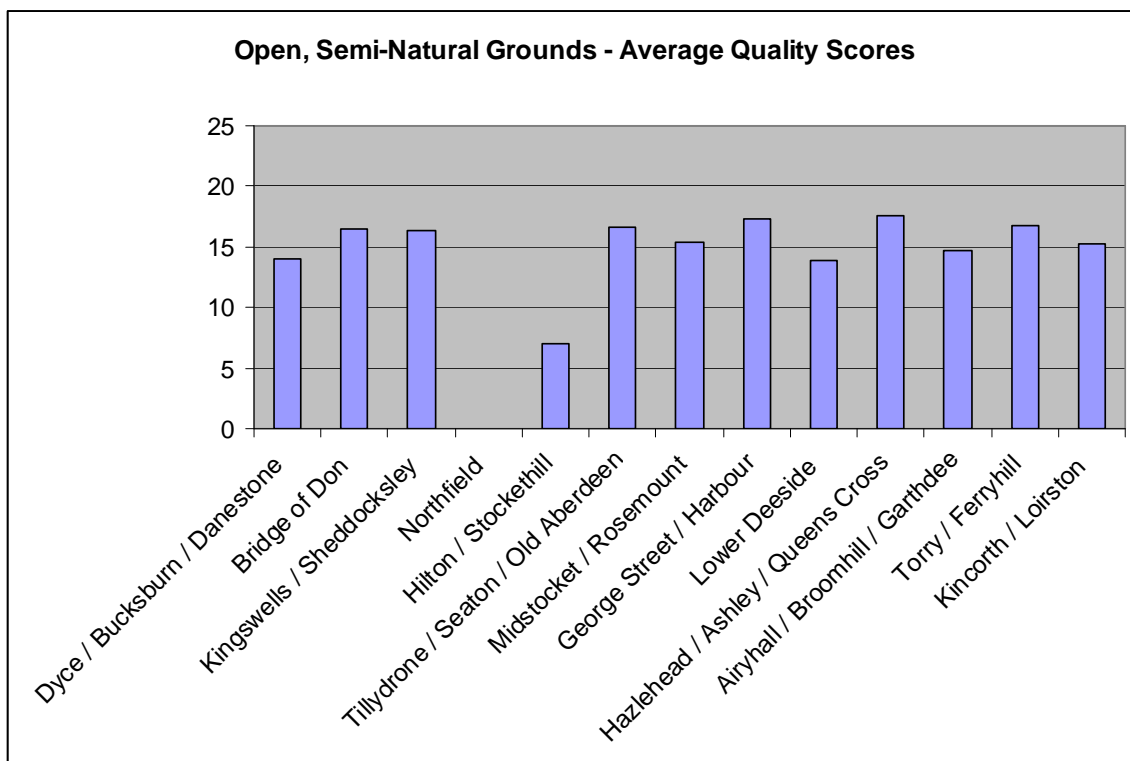


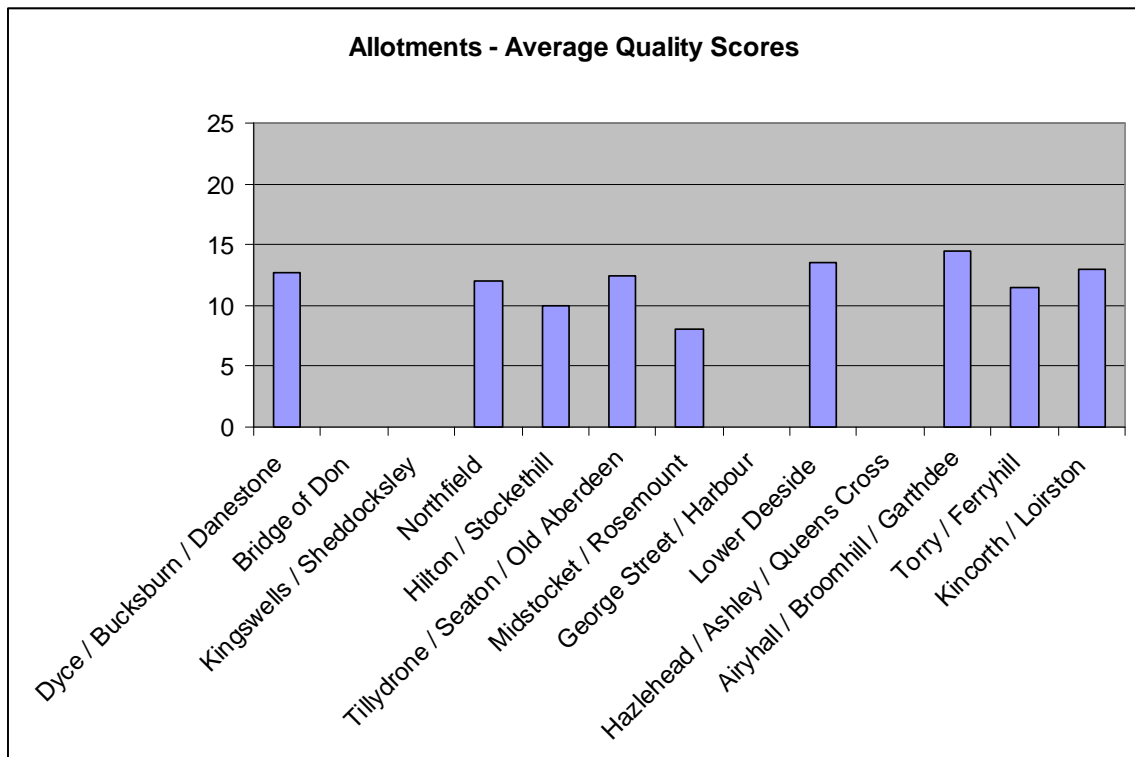
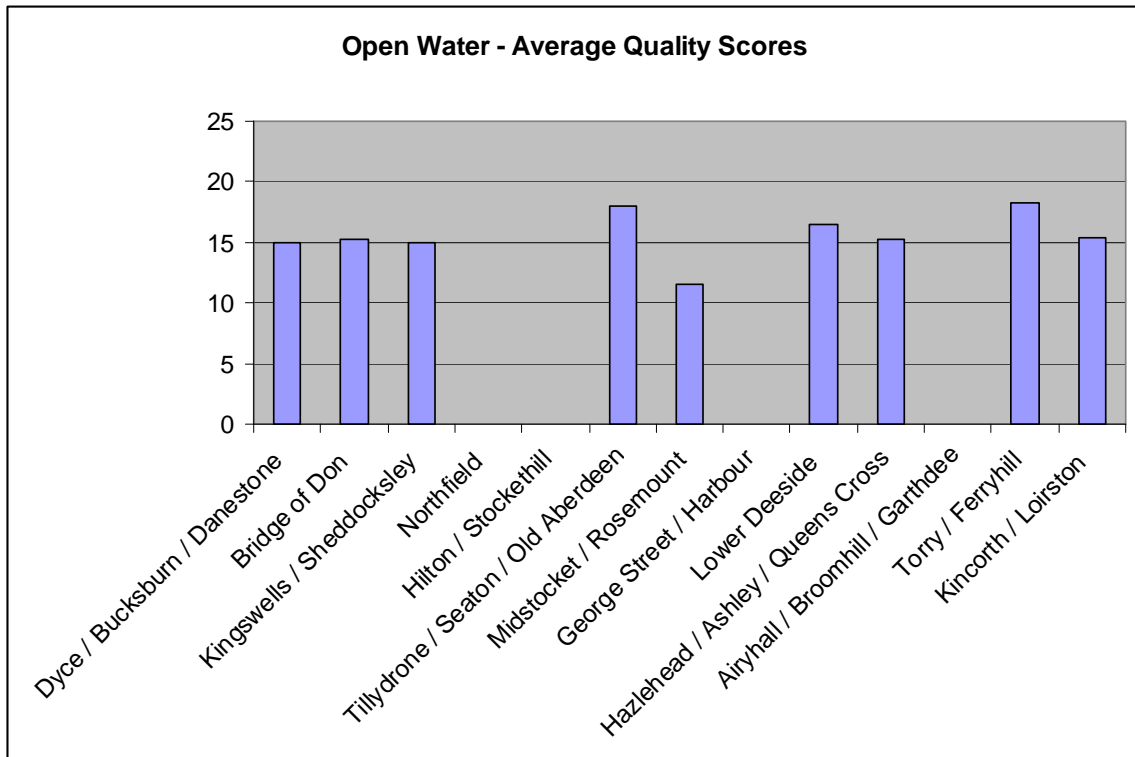
The wards in the southern area of the city (Lower Deeside, Airyhall / Broomhill / Garthdee and Torry / Ferryhill) achieve high scores for the quality of their green access routes. This could be explained by the fact that the Deeside Way runs through these wards.



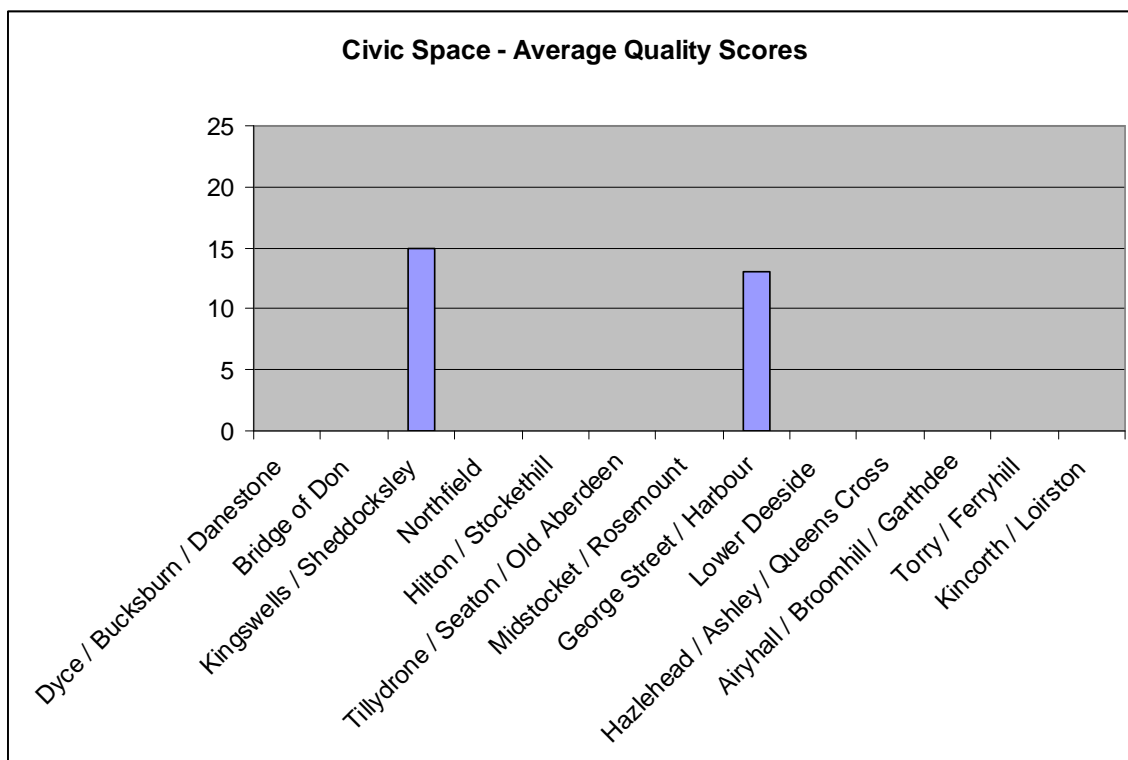


The woodlands in Hazlehead / Ashley / Queens Cross score highest in terms of quality. The main woodlands in this ward are contained within Hazlehead park. Hilton / Stockethill's woodlands score most poorly, although management works at Hilton Woods have been underway since the survey was undertaken.





Allotments score poorly in terms of quality. This could in part be explained by the fact that they do not tend to be publicly accessible and many of the criteria used to score open space sites relate to public access and facilities.



Much of the city's civic space is found within the George Street / Harbour ward, although the audit has recorded more in the Kingswells / Sheddocksley ward. As the audit assessments were originally based on a green space mapping project, it is apparent that many of the city's hard-surfaced civic spaces have been missed. It is therefore important that the audit data is expanded to include more of the city's civic space.

APPENDIX F – WARD ANALYSIS

WARD 1: DYCE / BUCKSBURN / DANESTONE

Quantity

The table below shows the total amount of each type of open space in the ward.

PAN65 Typology	Area (Hectares)
Public Park and Garden	29.22
School Ground	15.16
Institutional Ground	9.93
Amenity - Residential	24.14
Amenity - Business	51.45
Amenity - Transport	38.45
Playing Field	37.06
Golf Course	97.52
Tennis Court	0.05
Bowling Green	0.48
Other Sports	0.05
Green Access Route	4.83
Riparian Route	1.12
Woodland	298.61
Open Semi-Natural	124.90
Open Water	14.31
Allotment	1.94
Church Yard	0.38
Cemetery	2.14
Civic Space	0.00
Playspace	16
Total Openspace Area (Ha)	767.74
Total Ward Area	5122

Dyce / Bucksburn / Danestone has an estimated population of 17,827 covering an area of 5122 hectares. 795 hectares of this is open space. Dyce, Bucksburn and Danestone ward is well provided for in terms of the overall quantity of open space, compared with other wards. Much of the greenspace comprises woodlands (299Ha), semi-natural greenspace (125Ha) and golf courses (98Ha). Open spaces are not equally distributed across the ward and some residents are lacking in certain types of open space.

The settlements of Dyce and Bucksburn do not have a town/ heritage park within 1500m as all of these parks are located within the built up areas of Aberdeen. However, Danestone is located within the catchment of Persley Walled Garden. The residential areas of Dyce are located within 600m of two neighborhood parks (Central Park and Riverside Park), whereas Bucksburn and Danestone fall outwith the recommended catchments of neighborhood parks. In terms of local park provision (including neighborhood parks, playspace and town/heritage parks), all residential areas fall within the 400m catchment areas, except the Stoneywood and Danestone. There are no areas of natural/semi-natural greenspace of a

significant size (over 0.4 hectares) in the built up areas of Dyce and Bucksburn. However, Danestone is close to the Danestone and Woodside Local Nature Reserve.

The table below shows the distribution of each key type of open space in relation to the ward's households.

TABLE 5: ACCESSIBILITY OF OPENSOURCE FOR DYCE / BUCKSBURN / DANESTONE

Openspace Category	Percentage of households
Major Openspace (Town & Heritage Parks)	33
Neighbourhood Park	39
Local Park	65
Equipped Play Space	71
Natural/ Semi-Natural Openspace	98

Quality

The audit shows that Dyce / Bucksburn / Danestone has an average greenspace quality score of 14 out of 25, with quality ranging from 12-13 for amenity business & residential through to 17-18 for golf courses and other sports. The open space sites in this ward generally scored highly under the biodiversity category. Lower scores were recorded under Health and Community which may suggest that security, safety and anti-social behaviour could be addressed.

The open space sites within the ward that achieved the highest quality scores in the audit were Persley Walled Garden and Riverside Park, both scoring 21 out of 25. The lowest scoring sites were Stoneywood South greenspace (scoring 8 out of 25) and Forrit Brae residential greenspace (9 out of 25).

Appendix E includes more information on the breakdown of the audit's results on the quality of open space.

WARD 2 – BRIDGE OF DON

Quantity

The table below shows the total amount of each type of open space in the ward.

Bridge of Don	
Types of Open space	Area in hectares
Public Parks and Gardens	28.76
School Grounds	16.60
Institutional Grounds	30.26
Amenity - Residential	46.42
Amenity - Business	51.75
Amenity - Transport	10.17
Playing Fields	6.83
Golf Courses	168.69
Tennis Courts	0.25
Bowling Greens	0.16
Other Sports	1.44
Green Access Routes	0.81
Riparian Routes	2.21
Woodland	60.09
Open Semi-Natural	91.68
Open Water	7.41
Allotments	0.00
Church Yards	0.00
Cemetery	0.00
Civic Space	0.00
No of Play spaces	17
Total Open space Area	540.54
Total Ward Area	2218

Bridge of Don has an estimated population of 17,707 covering an area of 2218 hectares with 541 hectares of this being open space.

The ward is well provided for in terms of open space quantity compared with other wards. Most of the ward's open space comprises of golf courses (169Ha), followed by open semi-natural (92Ha) and woodlands (60Ha). The open semi-natural open space in Bridge of Don includes the Scotstown Moor Site of Special Scientific Interest (SSSI) to the north and Donmouth Local Nature Reserve to the south. There are many pockets of amenity greenspace within the residential estates.

The residential areas of Bridge of Don do not have a major open space (town/ heritage park) within the ward boundary. The nearest major open space is Seaton Park, in the neighbouring Tillydrone / Old Aberdeen / Seaton ward. There is pedestrian access to the park at the Brig O'Balgownie and at the main road bridge over the Don. There is one neighbourhood park within the ward boundary (Westfield Park), which provides facilities for the central part of the ward. However, the residential areas to the northeast (North

Denmore) and to the northwest (Middleton Park) are not located within 600m of the park. In terms of local park provision (including neighborhood parks, playspace and town/heritage parks), all residential areas fall within the 400m catchment areas, apart from the eastern and northern parts of Middleton Park and some streets to the west of Ellon Road. Nearly all of the residential areas in the ward are located within 500m of areas of natural/semi-natural greenspace of a significant size (over 0.4 hectares), apart from small pockets to the east and west of Westfield Park.

The table below shows the distribution of each key type of open space in relation to the ward’s households.

TABLE 7: ACCESSIBILITY OF OPENSOURCE FOR BRIDGE OF DON

Openspace Category	Percentage of households
Major Openspace (Town & Heritage Parks)	43
Neighbourhood Park	44
Local Park	48
Equipped Play Space	70
Natural/ Semi-Natural open space	97

Quality

Bridge of Don has an average open space quality score of 12 out of 25, with a large range in quality from an average quality score of 11 out of 25 for green access routes through to 22 out of 25 riparian routes. Amenity spaces around residential areas, business and transport corridors within the ward score poorly. The ward has good access to open spaces and a high biodiversity value. This is due to Scotstown Moor (Sites of Special Scientific Interest (SSSI) national designated site) and the Donmouth Local Nature Reserve (locally designated site) being in the ward.

The ward’s open spaces score poorly under the health and community categories of the quality score. This is because of the low provision of equipped play areas, parks and sports fields within the ward.

The open space site that scores most highly in terms of quality is Donmouth Local Nature Reserve, with 24 out of 25. Scotstown Moor and Balgownie Science Park also achieved a high score, with 20 out of 25. The open space within The Parkway and Denmore business areas and Clerkhill Forest scored most poorly, with 7 out of 25.

Appendix E includes more information on the breakdown of the audit’s results on the quality of open space.

WARD 3 – KINGSWELLS / SHEDDOCKSLEY

Quantity

The table below shows the total amount of each type of open space in the ward.

Kingswells / Sheddocksley	
Types of Open space	Area in hectares
Public Parks and Gardens	4.62
School Grounds	4.48
Institutional Grounds	6.79
Amenity - Residential	40.13
Amenity - Business	5.18
Amenity - Transport	14.07
Playing Fields	20.67
Golf Courses	0.09
Tennis Courts	0.00
Bowling Greens	0.00
Other Sports	0.00
Green Access Routes	0.00
Riparian Routes	0.00
Woodland	36.71
Open Semi-Natural	85.83
Open Water	0.51
Allotments	0.00
Church Yards	0.15
Cemetery	0.00
Civic Space	0.29
No of Play spaces	18
Total Open space Area (Ha)	237.52
Total Ward Area	1426

Kingswells / Sheddocksley has an estimated population of 14679, covering an area of 1426Ha. The ward has 238 hectares of open space.

The ward is well provided for in terms of the overall quantity of open space provision. The largest proportion of the greenspace comprises semi-natural open space (86Ha), followed by amenity residential (40Ha) and woodland (37Ha). There are 18 play spaces within the whole ward of varying size and equipment.

Kingswells does not have a major open space (town / Heritage Park) within 1500m distance. However, Sheddocksley is located within the catchment of Hazlehead Park. Most of the residential areas of Kingswells are located within 600 metres of a neighborhood park apart from the north eastern areas.

Northern parts of Sheddocksley fall within the catchment of a neighborhood park. In terms of local park provision only the residential areas to the south of Kingswells fall within the

400m catchment area. However, southern parts of the settlement fall within the catchments of semi-natural greenspaces.

The table below shows the distribution of each key type of open space in relation to the ward's households.

TABLE 9: ACCESSIBILITY OF OPENSOURCE FOR KINGSWELLS/ SHEDDOCKSLEY

Openspace Category	Percentage of households
Major Openspace (Town & Heritage Parks)	70
Neighbourhood Park	43
Local Park	70
Equipped Play Space	88
Natural/ Semi-Natural Openspace	82

Quality

The results of the audit shows that Kingswells / Sheddocksley has an average greenspace quality score of 12 out of 25, with a high range in quality from 13 for amenity business and transport and 16 to18 for play spaces, public parks and gardens and woodlands. Sports pitches & playing fields, informal amenity spaces around residential areas, business and transport corridors have low quality scores. The open spaces in Sheddocksley score more poorly in terms of quality than those in Kingswells.

The open space around Kingswood Drive scored most highly in terms of quality, with 23 out of 25. The Bucksburn Valley open space and Den of Maidencraig Local Nature Reserve also scored well. The lowest scoring sites are residential open spaces at Summerhill and Sumburgh Crescent.

Appendix E includes more information on the breakdown of the audit's results on the quality of open space.

WARD 4 – NORTHFIELD

Quantity

The table below shows the total amount of each type of open space in the ward.

Types of Open space	Area in hectares
Public Parks and Gardens	23.86
School Grounds	7.58
Institutional Grounds	0.04
Amenity - Residential	20.40
Amenity - Business	1.74
Amenity - Transport	2.68
Playing Fields	0.74
Golf Courses	0.44
Tennis Courts	0.00
Bowling Greens	0.00
Other Sports	0.00
Green Access Routes	0.03
Riparian Routes	0.00
Woodland	0.50
Open Semi-Natural	0.00
Open Water	0.00
Allotments	3.79
Church Yards	0.00
Cemetery	0.00
Civic Space	0.00
No of Play spaces	13
Total Open space Area (Ha)	74.80
Total Ward Area	315

Northfield has an estimated population of 16145, covering an area of 315Ha. The ward has 75 hectares of area of open space.

The highest category of open space in Northfield is public parks and gardens (24Ha) followed by amenity residential space (20Ha) and school grounds (8Ha). Northfield is relatively well catered for in terms of public parks and there are three large neighborhood parks close to residential areas, which include Springhill Park, the greenspace around Northfield Academy and Heatheryfold. There are no local parks, but there are 13 equipped play spaces within the ward of varying size and equipment.

There are no dedicated sports areas in the ward, apart from the facilities that are part of Northfield Academy although Sheddocksley’s playing fields are nearby.

The residential area of Northfield does not have a town/ heritage park within its boundary. The major open spaces within the area include Stewart Park, Springfield Park and Persley Walled Garden. Persley Walled Garden is not easily accessible, due to its location to its location across the A96 trunk road. The closest open semi-natural space is Hilton Woods, which is only easily accessible to the residents living to the east of the ward.

The table below shows the distribution of each key type of open space in relation to the ward's households.

TABLE 11: ACCESSIBILITY OF OPENSACE FOR NORTHFIELD

Openspace Category	Percentage of households
Major Openspace (Town & Heritage Parks)	74
Neighbourhood Park	97
Local Park	88
Equipped Play Space	85
Natural/ Semi-Natural Openspace	75

Quality

Northfield has an average open space quality score of 11 out of 25, with the average quality scores for its sites ranging from 6 out of 25 for natural open space and sports pitches through to 12 out of 25 for public parks, amenity open space and transport amenity.

The audit shows that the biodiversity value is very low due to the poor wildlife habitat in the ward. The lack of semi-natural greenspace in the ward suggests that there are opportunities to improve under utilised space within the existing parks to increase the biodiversity value.

The ward's open spaces have achieved a low score under the Health category due to the limited access to poor quality informal recreation areas, formal and informal sports pitches and equipped play spaces. The Access and Community Value scores are higher which shows the usage of the open space is good.

The sites that achieve the highest quality score in this ward are the grounds of Northfield Academy and the Community Centre, both scoring 14 out of 25. The lowest scoring sites are the play areas at Beech Road and Westerton.

Appendix E includes more information on the breakdown of the audit's results on the quality of open space.

WARD 5 – HILTON / STOCKETHILL

Quantity

The table below shows the total amount of each type of open space in the ward.

Types of Open space	Area in hectares
Public Parks and Gardens	7.33
School Grounds	2.89
Institutional Grounds	0.00
Amenity - Residential	20.56
Amenity - Business	2.19
Amenity - Transport	1.65
Playing Fields	0.07
Golf Courses	0.00
Tennis Courts	0.00
Bowling Greens	0.14
Other Sports	0.00
Green Access Routes	0.00
Riparian Routes	0.08
Woodland	3.43
Open Semi-Natural	0.03
Open Water	0.00
Allotments	0.56
Church Yards	0.00
Cemetery	0.10
Other Functional Ground	0.00
Civic Space	0.00
No of Play spaces	11
Total Open space Area (Ha)	50.03
Total Ward Area	265

Hilton / Stockethill has an estimated population of 13,713 and covers an area of 265Ha. Of the ward's total area, 50 hectares is open space.

The Hilton and Stockethill area is not well provided for in terms of the overall quantity of open space compared with other wards due to its densely populated urban nature. The ward is poorly provided for in terms of park provision, with Stewart Park being the only park of a significant size. Hilton Wood is the only area of natural natural greenspace, located to the south of Stewart Park.

Much of the open space provision is concentrated in one area, creating a deficiency in the eastern and southern parts of the ward.

The majority of the area's open space is informal amenity space. The residential areas to the east of the ward and other small pockets are not located within 500m of natural greenspace of a significant size (over 0.4 hectares).

The table below shows the distribution of each key type of open space in relation to the ward's households.

TABLE 13: ACCESSIBILITY OF OPENSOURCE FOR NORTHFIELD

Openspace Category	Percentage of households
Major Openspace (Town & Heritage Parks)	100
Neighbourhood Park	66
Local Park	68
Equipped Play Space	91
Natural/ Semi-Natural Openspace	100

Quality

Hilton / Stockethill ward has an average greenspace quality score of 11 out of 25, with a high range in quality from 7 to 10 out of 25 for open, semi-natural, school grounds, informal open spaces around residential areas and businesses through to 14 out of 25 for public parks and gardens and equipped play spaces. The audit also shows that the quality of natural open space is poor.

The biodiversity value is very low in the ward, which reflects the dense, built up nature of Hilton / Stockethill. The ward also has a low health score due to the poor facilities available in the informal recreation areas and sports pitches in the ward. The quality of play areas such as Stockethill play ground is low.

Stewart Park was the highest scoring site in this ward, with 20 out of 25. The lowest scoring site was residential open space at Castelton Crescent (6 out of 25). Residential green space at Stocket Hill and Cornhill also scored poorly, with 8 out of 25.

Appendix E includes more information on the breakdown of the audit's results on the quality of open space.

WARD 6 – TILLYDRONE / SEATON / OLD ABERDEEN

Quantity

The table below shows the total amount of each type of open space in the ward.

Types of Open space	Area in hectares
Public Parks and Gardens	30.55
School Grounds	5.29
Institutional Grounds	5.72
Amenity - Residential	50.39
Amenity - Business	1.90
Amenity - Transport	6.27
Playing Fields	2.78
Golf Courses	68.84
Tennis Courts	0.19
Bowling Greens	0.16
Other Sports	0.25
Green Access Routes	0.20
Riparian Routes	3.69
Woodland	9.02
Open Semi-Natural	10.76
Open Water	4.10
Allotments	0.23
Church Yards	0.56
Cemetery	2.66
Civic Space	0.00
No of Play spaces	24
Total Open space Area (Ha)	227.55
Total Ward Area	843

Tillydrone, Seaton and Old Aberdeen has an estimated population of 16,610, covering an area of 843Ha. 228 hectares of the ward's area is open space.

Tillydrone, Seaton and Old Aberdeen are well provided for in terms of the overall quantity of open space. The highest category of open space comprises golf courses (69Ha) followed by residential amenity (50Ha) and public parks and gardens (31Ha).

The residential areas of Tillydrone, Seaton and Old Aberdeen have two town / heritage parks (Seaton Park and King's and Queen's Links) within the ward and all residential areas are within 1500m of these parks. There are no designated neighbourhood parks within the ward, but the town/ heritage parks provide some of the amenity of neighbourhood parks. Parts of Old Aberdeen and western parts of Tillydrone are outside the 600m catchment of neighborhood parks. Some areas of Old Aberdeen are outside the recommended 400m of a local park.

Not all the residential areas of the ward fall within the recommended 500m of open semi-natural space. Only the residential areas to the north of the ward are within the 500m distance threshold of the Donmouth Local Nature Reserve.

The table below shows the distribution of each key type of open space in relation to the ward's households.

TABLE 15: ACCESSIBILITY OF OPENSOURCE FOR TILLYDRONE / SEATON / OLD ABERDEEN

Openspace Category	Percentage of households
Major Openspace (Town & Heritage Parks)	100
Neighbourhood Park	66
Local Park	68
Equipped Play Space	91
Natural/ Semi-Natural Openspace	88

Quality

Tillydrone, Seaton and Old Aberdeen has an average greenspace quality score of 15 out of 25, with quality ranging from 13 out of 25 for amenity open spaces through to 21 out of 25 for public parks and gardens.

The audit shows that informal amenity spaces around residential areas, playing fields, play spaces and allotments have low quality scores. There are differences in quality between sites in the ward due to the presence of Seaton Park which has a high quality score.

Open spaces in this ward have scored well under community value. The biodiversity value and the quality of the access of this ward's open spaces are lower.

Seaton Park is the highest scoring site in this ward in terms of quality, with 24 out of 25. Seaton Play Area and residential green space at Montgomery Crescent score most poorly, with 7 and 9 out of 25 respectively.

Appendix E includes more information on the breakdown of the audit's results on the quality of open space.

WARD 7 MIDSTOCKET / ROSEMOUNT

Quantity

The table below shows the total amount of each type of open space in the ward.

Midstocket and Rosemount	
Types of Open space	Area in hectares
Public Parks and Gardens	11.81
School Grounds	15.41
Institutional Grounds	16.20
Amenity - Residential	20.43
Amenity - Business	2.41
Amenity - Transport	3.72
Playing Fields	0.00
Golf Courses	0.00
Tennis Courts	0.56
Bowling Greens	0.61
Other Sports	0.00
Green Access Routes	0.00
Riparian Routes	0.00
Woodland	2.89
Open Semi-Natural	3.54
Open Water	0.05
Allotments	0.15
Church Yards	0.18
Cemetery	0.00
Civic Space	0.00
No of Play spaces	6
Total Open space Area (Ha)	83.96
Total Ward Area	331

The Midstocket / Rosemount ward has an estimated population of 14,180 covering an area of 331Ha. The ward has 84 hectares of open space.

In terms of the overall quantity of greenspace, the Midstocket and Rosemount ward has a low quantity of open space compared with other wards. There are three major open spaces within the ward - Victoria Park, Westburn Park and Union Terrace Gardens. There are no neighborhood parks, local parks or dedicated local play areas within the ward. However, Victoria Park and Westburn Park provide informal sports, play and recreational facilities.

The largest category of open space is residential amenity (20Ha) followed by institutional grounds (16Ha) and school grounds (15Ha).

All households within this ward are within 1500m distance of these parks. There are no neighbourhood or local parks within the ward, but the town/ heritage parks provide some of the amenity of neighborhood parks. The residential area of Midstocket does not fall within the 600m catchment of neighborhood parks or the 400m catchment of local parks. There

are two areas of natural open space of over 0.2 hectares in Midstocket and Rosemount. Only the residential area of Midstocket falls within the 500m catchment of natural open spaces.

The table below shows the distribution of each key type of open space in relation to the ward's households.

TABLE 17: ACCESSIBILITY OF OPENSOURCE FOR MIDSTOCKET / ROSEMOUNT

Openspace Category	Percentage of households
Major Openspace (Town & Heritage Parks)	100
Neighbourhood Park	89
Local Park	79
Equipped Play Space	67
Natural/ Semi-Natural Openspace	81

Quality

Midstocket and Rosemount has an average greenspace quality score of 13 out of 25, with quality ranging from 10 out of 25 for amenity open space around residential and business areas through to 18 to 20 out of 25 for public parks and gardens and sports areas.

The audit shows that the ward's open spaces score well under the accessibility and attractiveness criteria. The biodiversity and health scores are relatively low in comparison to other parts of the City.

Westburn Park and Union Terrace Gardens are the highest scoring open space sites in this ward, with 21 out of 25. The green space around Aberdeen Royal Infirmary and Burnside Gardens score most poorly, with 6 and 8 out of 25 respectively.

Appendix E includes more information on the breakdown of the audit's results on the quality of open space.

WARD 8 GEORGE STREET / HARBOUR

Quantity

The table below shows the total amount of each type of open space in the ward.

George Street and Harbour	
Types of Open space	Area in hectares
Public Parks and Gardens	3.90
School Grounds	0.68
Institutional Grounds	1.10
Amenity - Residential	6.56
Amenity - Business	6.69
Amenity - Transport	4.49
Playing Fields	3.66
Golf Courses	0.00
Tennis Courts	0.00
Bowling Greens	0.13
Other Sports	0.12
Green Access Routes	0.00
Riparian Routes	0.15
Woodland	0.00
Open Semi-Natural	5.43
Open Water	0.00
Allotments	0.00
Church Yards	1.01
Cemetery	4.59
Civic Space	0.64
No of Play spaces	8
Total Open space Area (Ha)	47.17
Total Ward Area	793

The George Street/ Harbour ward has an estimated population of 14,559 covering an area of 793Ha. The ward has 47Ha of open space.

The George Street and Harbour areas are poorly provided for in terms of the overall quantity of open space.

There is one local park (Queen's Links) which has a play area and other informal recreation facilities. The only area of semi-natural greenspace recorded is Broad Hill. The largest categories of open space in the ward are business and residential amenity, both totalling 7 hectares each, followed by open, semi-natural grounds (5Ha) and cemeteries (5Ha).

The George Street and Harbour areas fall within the 1500m distance catchments of two town/ heritage parks (Union Terrace Gardens and Queen's Links). Significant parts of the ward are outside the recommended 600m of a neighbourhood park. Eastern and western areas of the ward fall within the 400m catchment of a local park, including neighbourhood parks, playspace and town/heritage parks.

The table below shows the distribution of each key type of open space in relation to the ward's households.

TABLE 19: ACCESSIBILITY OF OPENSACE FOR GEORGE STREET / HARBOUR

Openspace Category	Percentage of households
Major Openspace (Town & Heritage Parks)	98
Neighbourhood Park	46
Local Park	37
Equipped Play Space	88
Natural/ Semi-Natural Openspace	45

Quality

George Street and Harbour ward has an average greenspace quality score of 14 out of 25, with quality ranging from 12 out of 25 for public parks and gardens and playing fields through to 20 out of 25 for churchyards.

In comparison to the rest of the city open spaces in this ward have average access, attractiveness and community scores. The biodiversity score is low in this ward and reflects the built up nature of the area.

St Nicholas Kirk's churchyard is the highest scoring open space in this ward, with 23 out of 25. Residential green space around Berryden also scores well, with 19 out of 25. Residential space around Rosemount scores most poorly, with 10 out of 25.

Appendix E includes more information on the breakdown of the audit's results on the quality of open space.

WARD 9 – LOWER DEESIDE

Quantity

The table below shows the total amount of each type of open space in the ward.

Lower Deeside	
Types of Open space	Area in hectares
Public Parks and Gardens	9.76
School Grounds	24.37
Institutional Grounds	5.85
Amenity - Residential	19.48
Amenity - Business	5.46
Amenity - Transport	5.75
Playing Fields	28.79
Golf Courses	134.07
Tennis Courts	0.55
Bowling Greens	0.27
Other Sports	0.00
Green Access Routes	17.21
Riparian Routes	16.10
Woodland	290.92
Open Semi-Natural	89.12
Open Water	16.47
Allotments	5.01
Church Yards	0.96
Cemetery	0.00
Civic Space	0.00
No of Play spaces	7
Total Open space Area (Ha)	677.14
Total Ward Area	4897

The Lower Deeside ward has an estimated population of 15,182 covering an area of 4,897Ha. The ward has 677 hectares of open space.

Peterculter is relatively well catered for in terms of parks and open spaces such as Johnston Gardens and Coronation Road. Milltimber has two local parks, including the Meadows and Colt Hill. The residential areas of Bielside and Cults have relatively small amounts of greenspace within the built up area. Allan Park is located within Cults, but is situated on the southern extent of the village, at the bottom of a steep hill, which may affect its use by some. Bielside has only two areas of amenity greenspace over 0.2 hectares in size and does not contain any local parks. Cults has one local park (Kirk Terrace) and a small area of amenity greenspace along North Deeside Road (Darroch Park).

The largest category of open space in the ward is woodland (290Ha) followed by golf courses (134Ha) and then open, semi-natural (89Ha).

The residents of Peterculter and Milltimber do not have a town/ heritage park within 1500m. Cults and Bielside are located within the recommended catchment of Allan Park. Only the residential areas to the south of Cults are located within 600m of a neighborhood park and only the northern residential area of Peterculter is within the 400m of a local park. Milltimber's residents are within the 400m catchment of a local park. There are very few areas of semi-natural open space of a significant size (over 0.4 hectares) within the urban areas of the villages of Lower Deeside. Access to natural greenspace is less of an issue in this ward however, as the villages are set within a rural landscape, following the River Dee corridor.

The table below shows the distribution of each key type of open space in relation to the ward's households.

TABLE 21: ACCESSIBILITY OF OPENSOURCE FOR LOWER DEESIDE

Openspace Category	Percentage of households
Major Openspace (Town & Heritage Parks)	42
Neighbourhood Park	52
Local Park	64
Equipped Play Space	46
Natural/ Semi-Natural Openspace	97

Quality

Lower Deeside has an average open space quality score of 15 out of 25, which is higher in comparison to other wards in the City. The average quality scores range from 14 out of 25 for informal open spaces, sports pitches and playing fields through to 20 out of 25 for public parks and gardens. Informal amenity open spaces around residential areas and transport corridor have the lowest quality scores.

The ward's open spaces score well under the audit's Attractive and Appealing category but also have a high biodiversity score. The high biodiversity value is due the presence of River Dee Special Area of Conservation. The health and access quality scores are lower, suggesting that while open spaces are attractive, they may not be easily accessible.

Allan Park, Deeside Golf Course and Newton Dee achieve the highest quality scores in this ward, with 22 out of 25. Residential green space around Craigton Road and Cults score most poorly, with 9 out of 25.

Appendix E includes more information on the breakdown of the audit's results on the quality of open space.

WARD 10 – HAZLEHEAD / ASHLEY / QUEENS CROSS

Quantity

The table below shows the total amount of each type of open space in the ward.

Hazlehead, Ashley and Queens Cross	
Types of Open space	Area in hectares
Public Parks and Gardens	21.04
School Grounds	17.15
Institutional Grounds	5.19
Amenity - Residential	39.04
Amenity - Business	3.93
Amenity - Transport	4.73
Playing Fields	34.60
Golf Courses	94.78
Tennis Courts	1.01
Bowling Greens	0.63
Other Sports	1.11
Green Access Routes	0.00
Riparian Routes	0.64
Woodland	71.26
Open Semi-Natural	42.75
Open Water	4.33
Allotments	0.00
Church Yards	0.57
Cemetery	6.49
Civic Space	0.00
No of Play spaces	5
Total Open space Area (Ha)	354.25
Total Ward Area	890

The Hazlehead / Ashley / Queens Cross ward has an estimated population of 18,978 covering an area of 890Ha. The ward has 354 hectares of open space.

Hazlehead, Ashley and Queens Cross are well provided for in terms of the overall quantity of open space, compared with other wards. Most of the open space comprises golf courses, woodlands and open, semi-natural grounds. There are very few play spaces within the ward.

Hazlehead, Ashley and Queens Cross residential areas fall within the recommended 1500m of major open space. There are no neighbourhood or local parks within the ward, but the town/ heritage parks fulfill this role. There is only one area of natural greenspace of a significant size (over 0.4 hectares) in the ward. Being located on the western periphery of the ward, much of the rest of the ward is outside the recommended 500m semi-natural greenspace.

The table below shows the distribution of each key type of open space in relation to the ward's households.

TABLE 21: ACCESSIBILITY OF OPENSOURCE FOR HAZLEHEAD / ASHLEY / QUEENS CROSS

Openspace Category	Percentage of households
Major Openspace (Town & Heritage Parks)	100
Neighbourhood Park	74
Local Park	55
Equipped Play Space	29
Natural/ Semi-Natural Openspace	78

Quality

Hazlehead, Ashley and Queens Cross has an average greenspace quality score of 16 out of 25, ranging from 12 out of 25 for informal amenity open spaces through to 19 to 21 for public parks and garden, golf courses and natural wild spaces. The ward's open spaces are the highest overall average quality of all of the city's wards. This is largely due to the presence of Hazlehead Park and its woodlands.

Hazlehead Park is the highest quality open space site in this ward, according to the Audit's assessment criteria. It scored 23 out of a possible 25. The lowest scoring open space in the ward is the green space around Claremont Street (6 out of 25). Harlaw / Grammar Playing Fields also score poorly, with 9 out of 25.

Appendix E includes more information on the breakdown of the audit's results on the quality of open space.

WARD 11 – AIRYHALL / BROOMHILL / GARTHDEE

Quantity

The table below shows the total amount of each type of open space in the ward.

Hazlehead, Ashley and Queens Cross	
Types of Open space	Area in hectares
Public Parks and Gardens	2.19
School Grounds	4.95
Institutional Grounds	7.52
Amenity - Residential	13.39
Amenity - Business	8.39
Amenity - Transport	5.20
Playing Fields	1.42
Golf Courses	0.00
Tennis Courts	0.27
Bowling Greens	0.16
Other Sports	0.77
Green Access Routes	2.34
Riparian Routes	0.15
Woodland	8.24
Open Semi-Natural	7.97
Open Water	0.00
Allotments	1.98
Church Yards	0.37
Cemetery	6.35
Civic Space	0.00
No of Play spaces	7
Total Open space Area (Ha)	78.65
Total Ward Area	403

The Airyhall / Broomhill / Garthdee ward has an estimated population of 15196 covering an area of 403Ha. The ward has 79Ha of open space.

The ward is poorly provided for in terms of the overall quantity of open space due to the fact that this is a relatively densely populated area. There are a couple of local parks at Ramsay Gardens and Morrison Drive and three cemeteries (Springbank Cemetery, Nellfield Cemetery and Kaimhill Road). Other open spaces include three sports areas (Mansfield, Pitstruan Sports Centre and Garthdee Sports & Alpine Adventure Park) and general amenity greenspace. There are not many children’s play areas in the ward.

The largest category of open space in the ward is residential amenity (13Ha) followed by business amenity (8Ha) and woodland (8Ha).

The residential areas of Airyhall and Broomhill are located within the 1500m catchment of Johnston Gardens (town/ heritage park) to the north. Garthdee does not fall within this catchment, however, the eastern parts of the area fall within the 1500m catchment of

Duthie Park, which is accessible along the Deeside Way. There are no neighborhood parks in the ward. In terms of local park provision, only Garthdee and the northern part of the residential area falls within the 400m recommended distance. There are no recorded areas of natural/semi-natural greenspace in Airyhall, Broomhill and Garthdee.

The table below shows the distribution of each key type of open space in relation to the ward's households.

TABLE 23: ACCESSIBILITY OF OPENSOURCE FOR AIRYHALL / BROOMHILL / GARTHDEE

Openspace Category	Percentage of households
Major Openspace (Town & Heritage Parks)	80
Neighbourhood Park	30
Local Park	52
Equipped Play Space	69
Natural/ Semi-Natural Openspace	85

Quality

The audit shows that the Airyhall / Broomhill / Garthdee ward has an average open space quality score of 15 out of 25, with quality ranging from 12 out of 25 for informal amenity to 18 out of 25 for sports pitches and semi-natural open spaces.

The biodiversity element of the quality score for this ward is lower than the other quality criteria.

The Deeside Way scores highest in terms of quality of all of the open space sites in this ward, with 22 out of 25. Residential green space around Kaimhill and Seafield score most poorly, with 6 and 9 out of 25 respectively.

Appendix E includes more information on the breakdown of the audit's results on the quality of open space.

WARD 12 – TORRY / FERRYHILL

Quantity

The table below shows the total amount of each type of open space in the ward.

Types of Open space	Area in hectares
Public Parks and Gardens	39.61
School Grounds	1.40
Institutional Grounds	0.50
Amenity - Residential	7.97
Amenity - Business	1.84
Amenity - Transport	6.22
Playing Fields	4.95
Golf Courses	52.35
Tennis Courts	0.43
Bowling Greens	0.76
Other Sports	0.00
Green Access Routes	1.14
Riparian Routes	4.41
Woodland	1.25
Open Semi-Natural	21.09
Open Water	1.48
Allotments	1.38
Church Yards	0.00
Cemetery	6.14
Civic Space	0.00
No of Play spaces	12
Total Open space Area (Ha)	164.95
Total Ward Area	968

The Torry and Ferryhill ward has an estimated population of 19,086 covering an area of 968Ha. The ward has 165Ha of open space.

Torry and Ferryhill are relatively well catered for in terms of parks and open spaces. Duthie Park, Bon Accord Terrace Gardens, St Fitticks Park and Balnagask Golf Course are the major open spaces within the ward. The residential area of Torry has a significant amount of open space to the west at Balnagask, but a relatively small amount of open space of a significant size (over 0.2 hectares) within the built up areas. There are pockets of informal amenity and play space within the residential estates.

The largest category of open space in the ward is golf courses (52Ha) public parks and gardens (40Ha) followed by and open semi-natural (21Ha).

The settlements of Torry and Ferryhill have two town/ heritage parks within the recommended 1500m, including Duthie Park and Bon Accord Terrace Gardens. Much of Torry falls within the Duthie Park catchment. All of the residential areas in the ward are located within 600m of neighborhood parks. In terms of local park provision (including

neighborhood parks, playspace and town/heritage parks), nearly all residential areas fall within the 400m catchment, apart from the southern part of Torry and some streets in Ferryhill. There are very few areas of natural/semi-natural greenspace of a significant size (over 0.2 hectares) in Torry and Ferryhill. However, Torry residents have access to the paths that cross Balnagask golf course and residents of Ferryhill are located within easy reach of the Deeside Way to the north of Duthie Park.

The table below shows the distribution of each key type of open space in relation to the ward's households.

TABLE 25: ACCESSIBILITY OF OPENSOURCE FOR TORRY / FERRYHILL

Openspace Category	Percentage of households
Major Openspace (Town & Heritage Parks)	80
Neighbourhood Park	30
Local Park	52
Equipped Play Space	69
Natural/ Semi-Natural Openspace	85

Quality

Torry and Ferryhill ward has an average open space quality score of 16 out of 25, with quality ranging from 12 out of 25 for informal amenity open spaces through to 18 out of 25 for public parks and gardens and natural wild spaces. The ward has the highest overall quality compared to other wards. This is due to the presence of large areas of high-scoring riparian and green access routes along the River Dee Special area of conservation as well as Duthie Park.

With 22 out of 25, the Deeside Way is the highest scoring site in this ward, in terms of quality. Duthie Park is the second highest scoring site, with 20 out of 25. Walker Park scores lowest, with 6 out of 25.

Appendix E includes more information on the breakdown of the audit's results on the quality of open space.

WARD 13 – KINCORTH / LOIRSTON

Quantity

The table below shows the total amount of each type of open space in the ward.

Types of Open space	Area in hectares
Public Parks and Gardens	8.92
School Grounds	7.29
Institutional Grounds	1.48
Amenity - Residential	42.86
Amenity - Business	25.28
Amenity - Transport	25.75
Playing Fields	14.56
Golf Courses	0.00
Tennis Courts	0.00
Bowling Greens	0.16
Other Sports	0.00
Green Access Routes	0.00
Riparian Routes	2.81
Woodland	17.76
Open Semi-Natural	277.13
Open Water	10.90
Allotments	1.34
Church Yards	0.00
Cemetery	0.00
Civic Space	0.00
No of Play spaces	13
Total Open space Area (Ha)	449.24
Total Ward Area	2109

The Kincorth and Loiriston ward has an estimated population of 15,398 and has an area of 2109Ha. The ward has 449Ha of open space.

The settlements of Kincorth and Cove are well catered for in terms of the quantity of open spaces, with Loiriston Recreation Area, Kincorth Hill Local Nature Reserve and Abbotswell Road Greenspace. Kincorth is relatively well catered for in terms of amenity open space. However, there is a lack of public parks and gardens and children’s play areas, the only facilities being at Corthan Crescent and Kincorth Circle. Kincorth Hill Local Nature is close to the residential areas of Kincorth.

Cove is relatively well catered for in terms of parks and greenspaces, with a large neighborhood park (Earns Heugh Road) running through the centre of the residential area, pockets of amenity open space, a local park to the south west (Catto Park) and a play facility at Charleston Road. There are no designated sports areas in Cove. By far the largest category of open space in the ward is open semi-natural (277Ha) followed by residential amenity (43Ha) and transport amenity (26Ha). The ward also has a large amount of business amenity open space (25Ha).

The majority of the residential areas in Kincorth have a town/ heritage park within 1500m. Although Kincorth falls within the Duthie Park catchment, Cove is outside the catchments of both Duthie Park and Loirston Recreation Area. Nearly all of the residential areas of Cove are located within 600m of a neighborhood park (Earns Heugh Road), whereas Kincorth is lacking in access to this type of space. In terms of local park provision (including neighborhood parks, playspace and town/heritage parks), nearly all residential areas of Cove fall within the 400m catchment areas, apart from the northern extent. However, only the western part of Kincorth falls within a local park catchment (Corthan Crescent greenspace), which is a very small children’s play area.

Kincorth is relatively well provided for in terms of access to natural/semi natural greenspace of a significant size (over 0.2 hectares), residents living in the central and southern part of the settlement have easy access to the Kincorth Hill Local Nature Reserve (within 500m). Cove is less well provided for in terms of semi-natural greenspace, with only the southern half of the settlement located within 500m of Cove Community Woodland, which runs along the southern boundary of the residential area. Loirston Recreation Area is located between two industrial areas (Altens and Greenbank) and access to the area is fairly poor, with entrances difficult to find in the industrial estates.

The table below shows the distribution of each key type of open space in relation to the ward’s households.

TABLE 25: ACCESSIBILITY OF OPENSOURCE FOR KINCORTH AND LOIRSTON

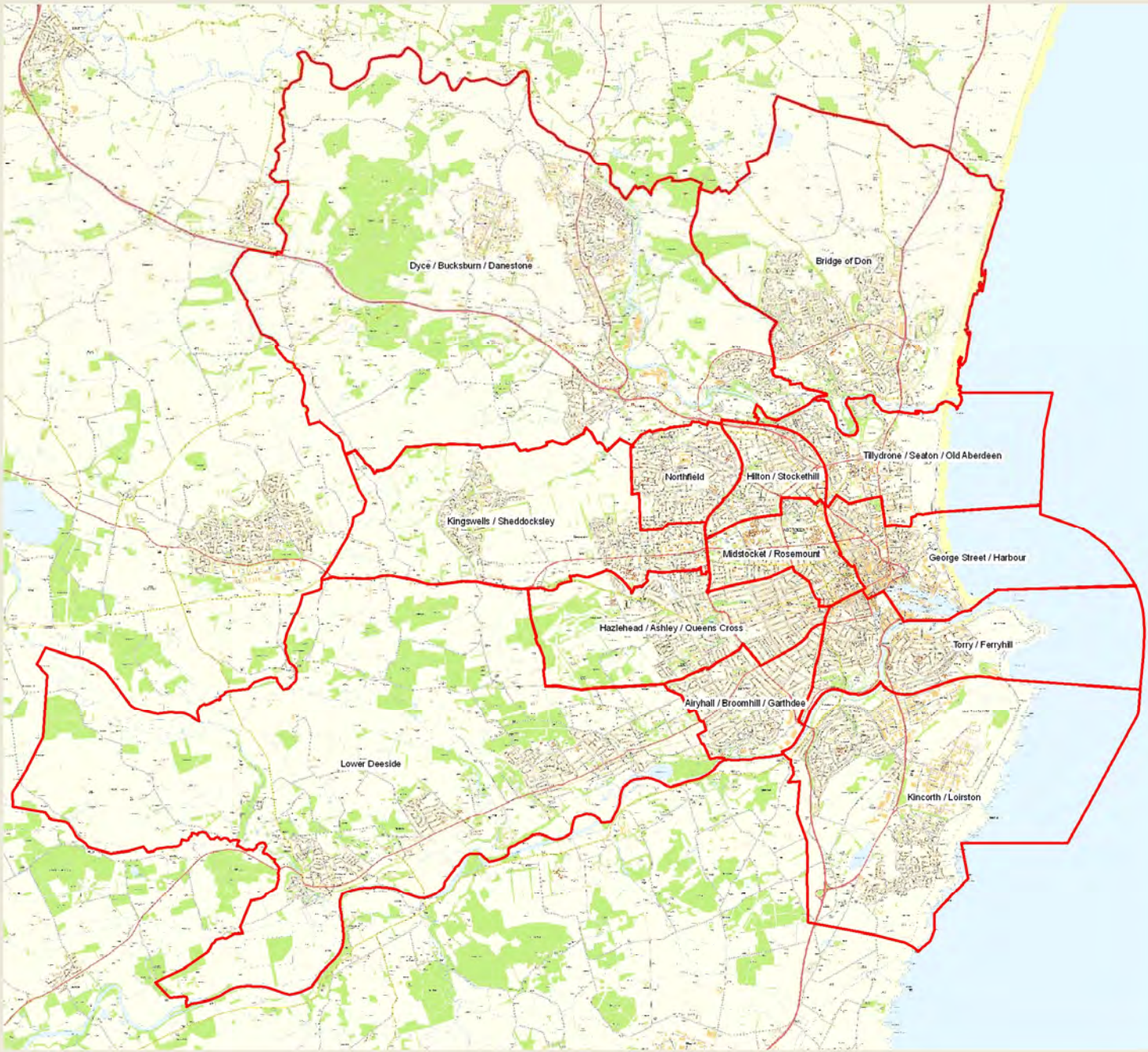
Openspace Category	Percentage of households
Major Openspace (Town & Heritage Parks)	45
Neighbourhood Park	77
Local Park	59
Equipped Play Space	78
Natural/ Semi-Natural Openspace	100

Quality

The audit shows that Kincorth and Loirston has an average greenspace quality score of 14 out of 25 with quality ranging from 12 out of 25 for informal amenity open spaces around business and residential areas through to 17 to 20 out of 25 for natural wild spaces and equipped play spaces. Loirston Loch is the highest scoring open space site in this ward, with 24 out of 25. Cove and Altens Community Woodlands also score highly, both having 19 out of 25. Green space in the business area of Altens South scores lowest, with 7 out of 25.


Appendix E includes more information on the breakdown of the audit’s results on the quality of open space.

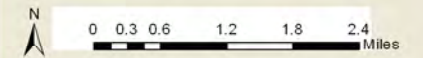
APPENDIX G: WARD BOUNDARIES



ABERDEEN OPENSOURCE AUDIT

Legend

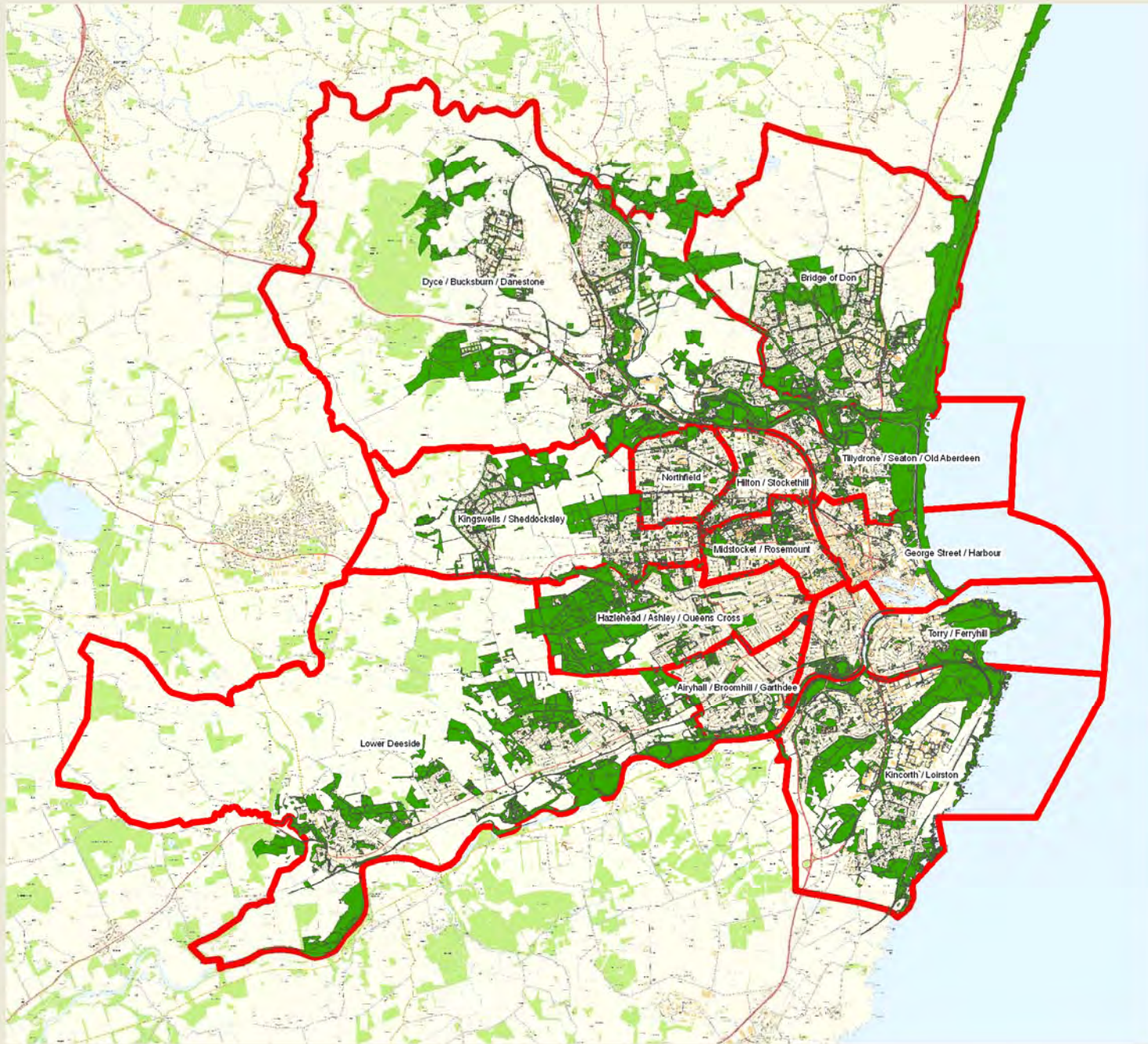
 ACC Ward Boundaries



**Aberdeen City Council
Ward Boundaries**



February 2010

APPENDIX H: OPEN SPACE SITE LOCATIONS



ABERDEEN OPENSOURCE AUDIT

Legend

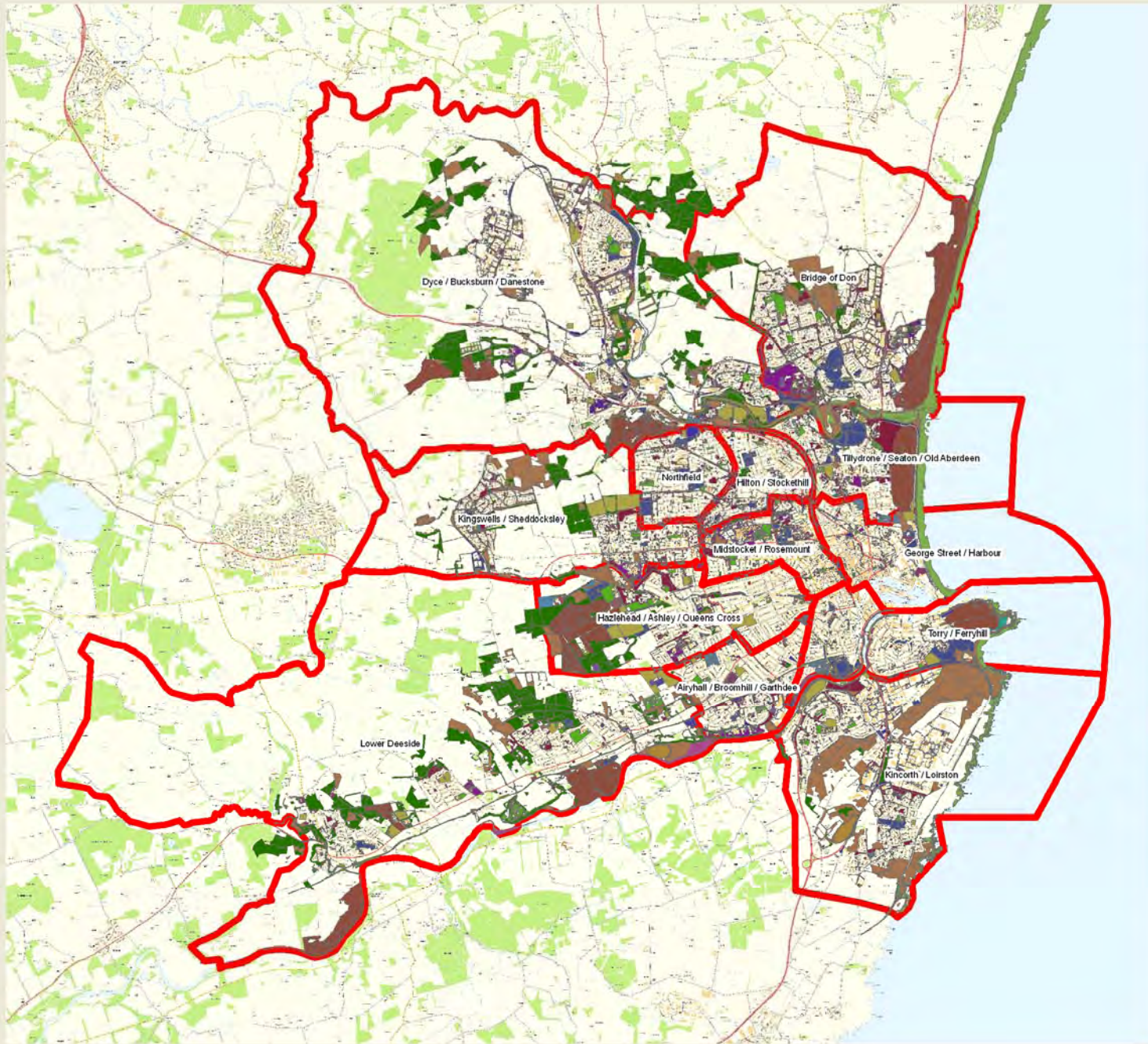
-  ACC Ward Boundaries
-  Openspaces (>0.2 ha)



Aberdeen City Council Openspace Locations

February 2010

APPENDIX I: PAN 65 DESIGNATIONS



ABERDEEN OPENSOURCE AUDIT

Legend

ACC Ward Boundaries

Openspaces (>0.2 ha)

PAN65 Typology

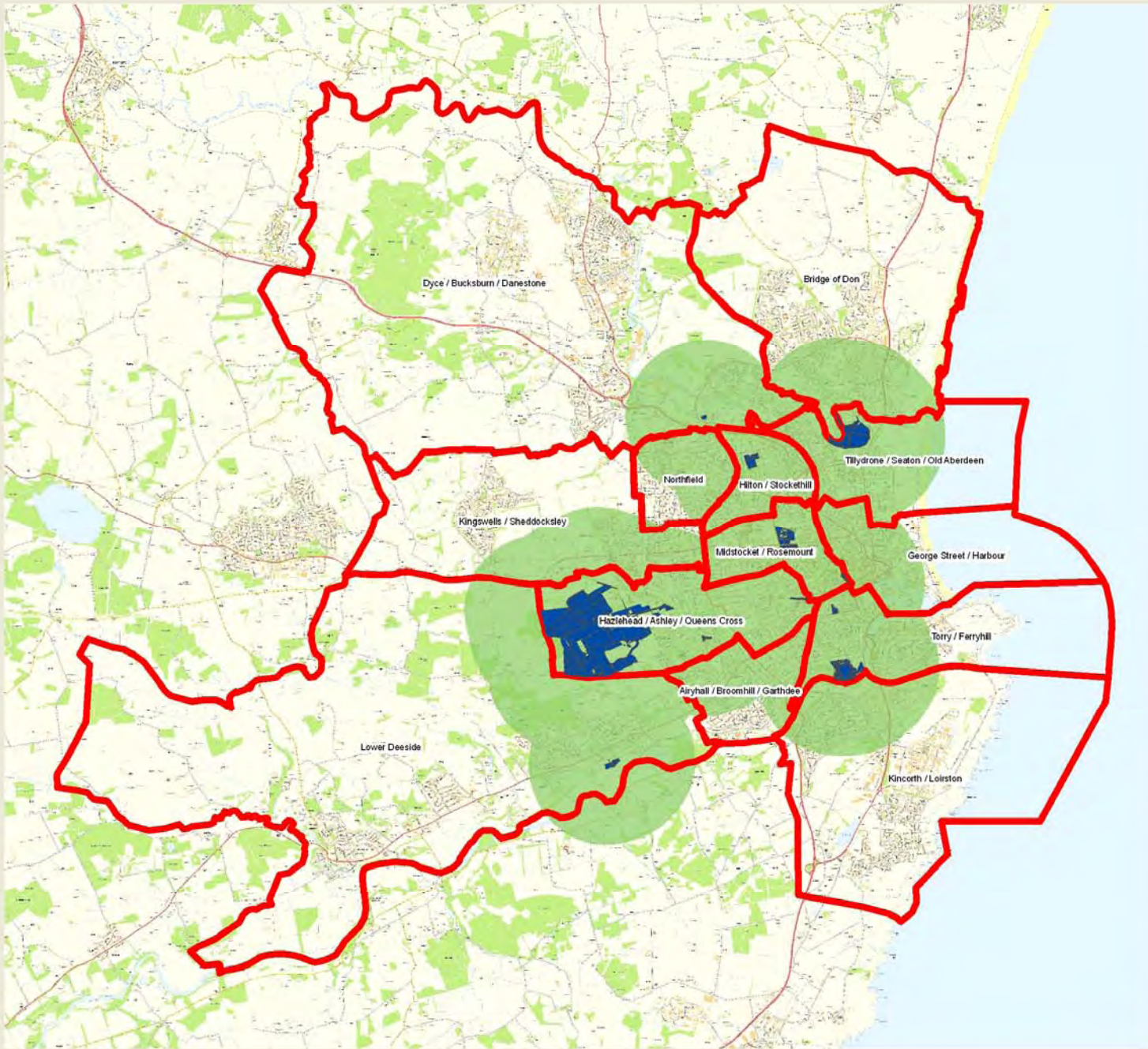
- Allotment
- Amenity - Business
- Amenity - Residential
- Amenity - Transport
- Area Undergoing Change
- Bowling Greens
- Cemetery
- Churchyard
- Civic Space
- Foreshore / Rocks
- Golf Courses
- Green Access Routes
- Institutional Grounds
- Open Semi-Natural
- Open Water
- Other Functional Greenspace
- Other Sports
- Playing Fields
- Playspace
- Public Park and Garden
- Railway
- Riparian Routes
- School Grounds
- Tennis Courts
- Woodland



PAN 65 Designations

February 2010

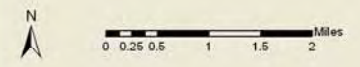
APPENDIX J: ACCESSIBILITY – MAJOR OPEN SPACES



ABERDEEN OPENSOURCE AUDIT

Legend

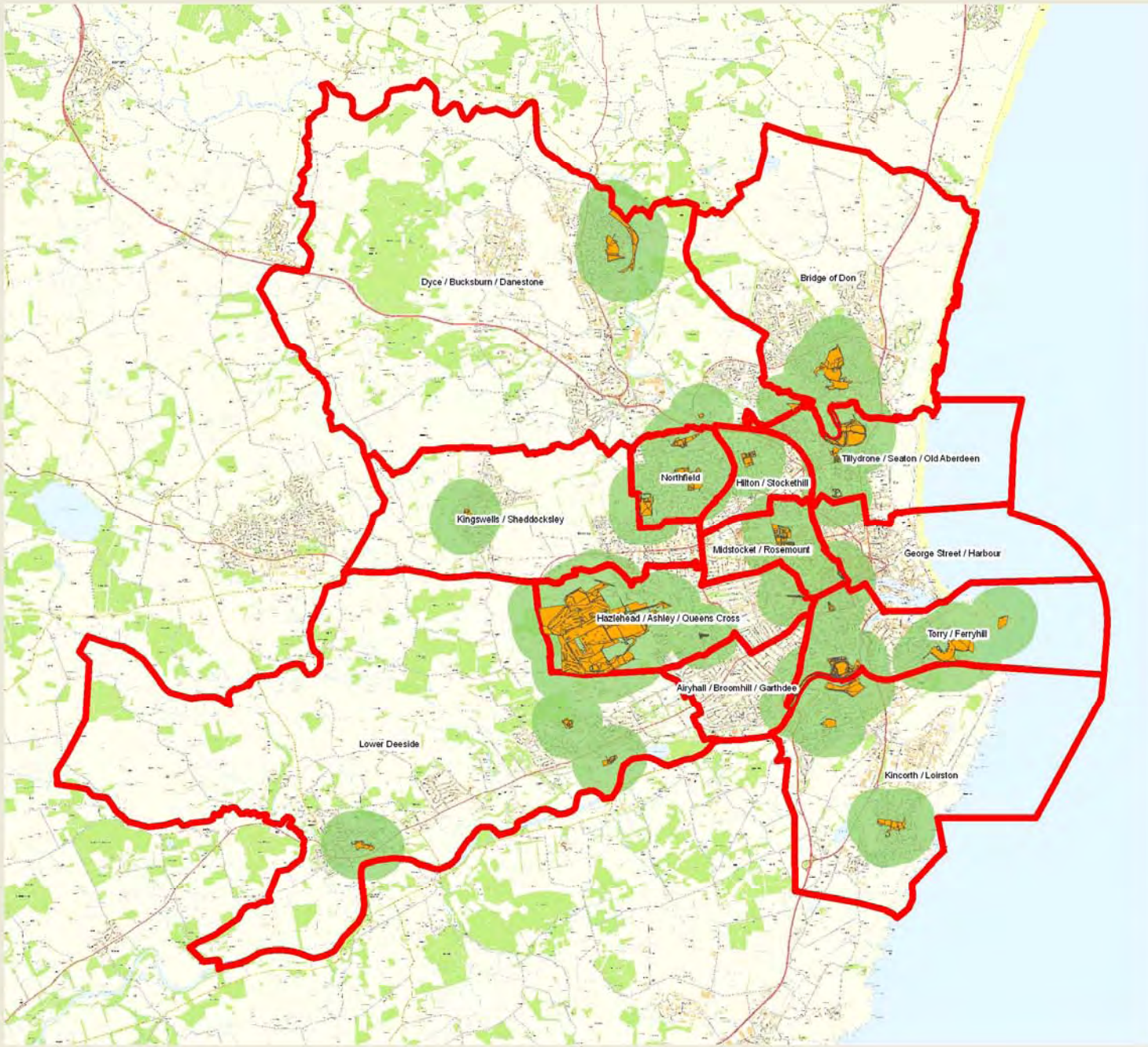
- Major Openspaces
- Major Openspace_1500m
- ACC Ward Boundaries



Accessibility of Major Openspaces (Town/Heritage Parks) (1500m)

February 2010

APPENDIX K: ACCESSIBILITY – NEIGHBOURHOOD PARKS



ABERDEEN OPENSOURCE AUDIT

Legend

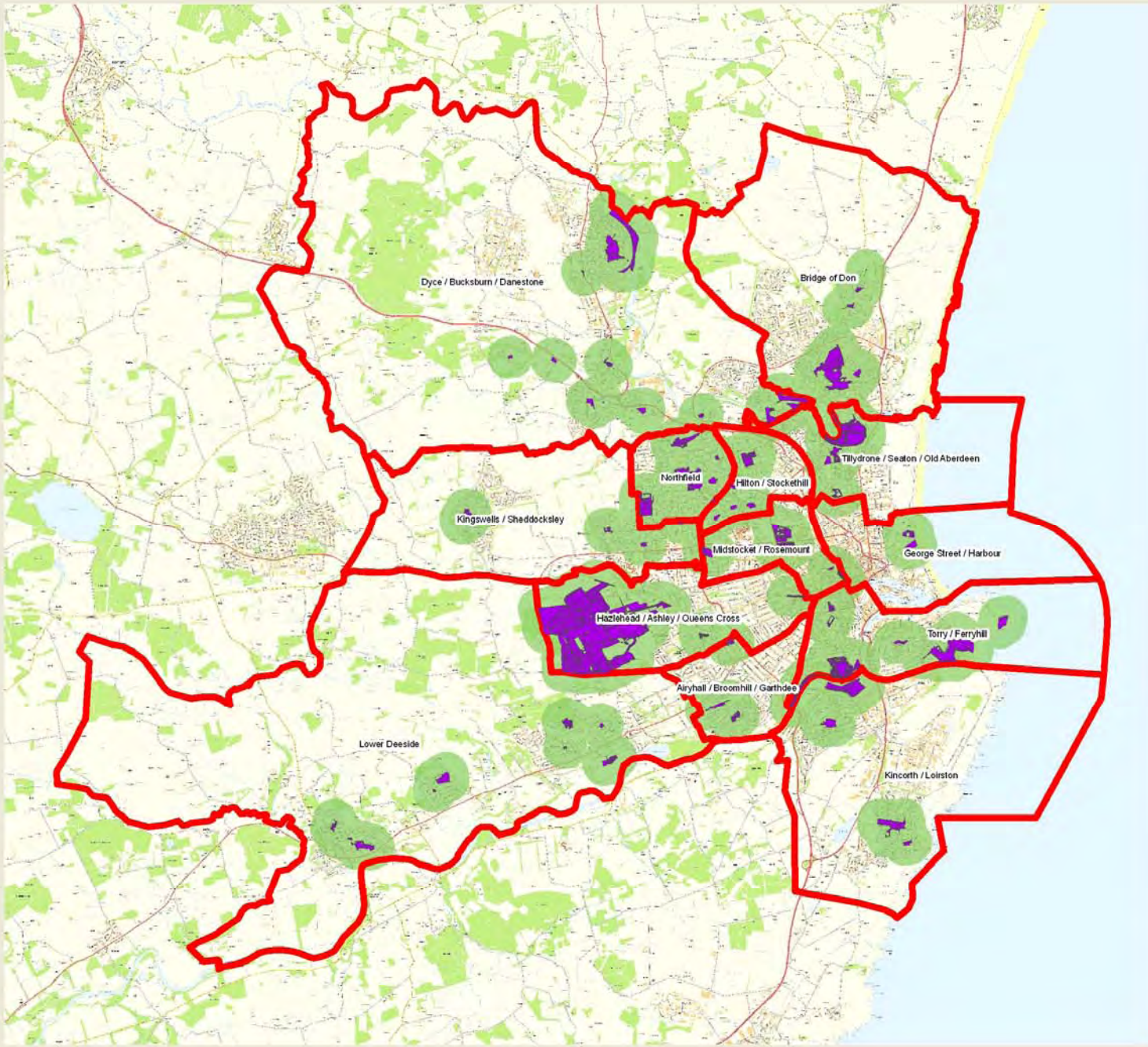
- Neighbourhood Parks
- Neighbourhood Parks_600m
- ACC Ward Boundaries



Accessibility of Neighbourhood Parks (600m)




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APPENDIX L: ACCESSIBILITY – LOCAL PARKS



ABERDEEN OPENSOURCE AUDIT

Legend

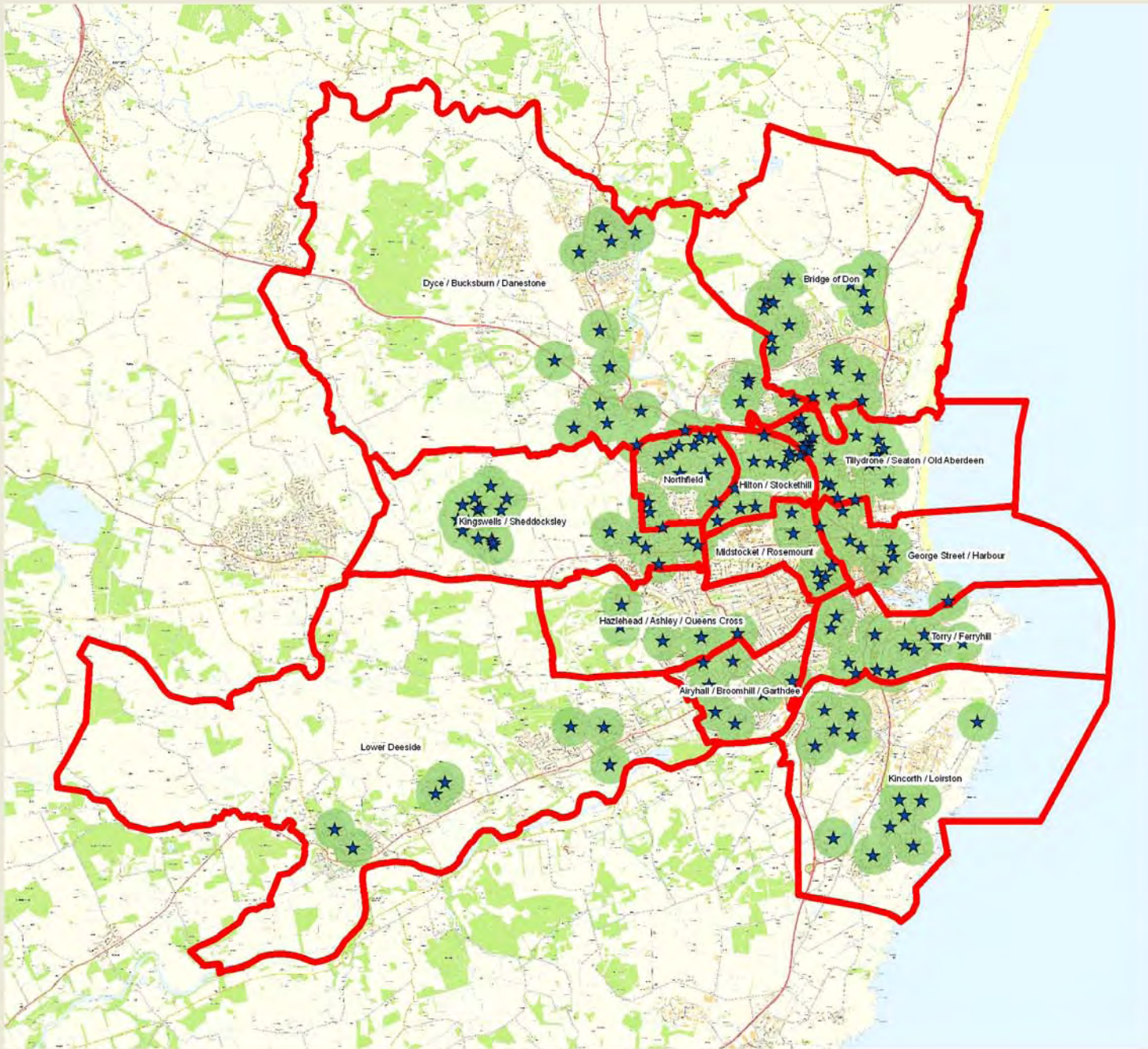
-  ACC Ward Boundaries
-  Local Parks
-  Local Parks_400m



Accessibility of Local Parks (400m)

February 2010

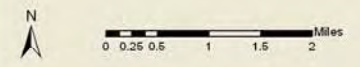
APPENDIX M: ACCESSIBILITY – CHILDREN’S PLAY SPACES



ABERDEEN OPENSOURCE AUDIT

Legend

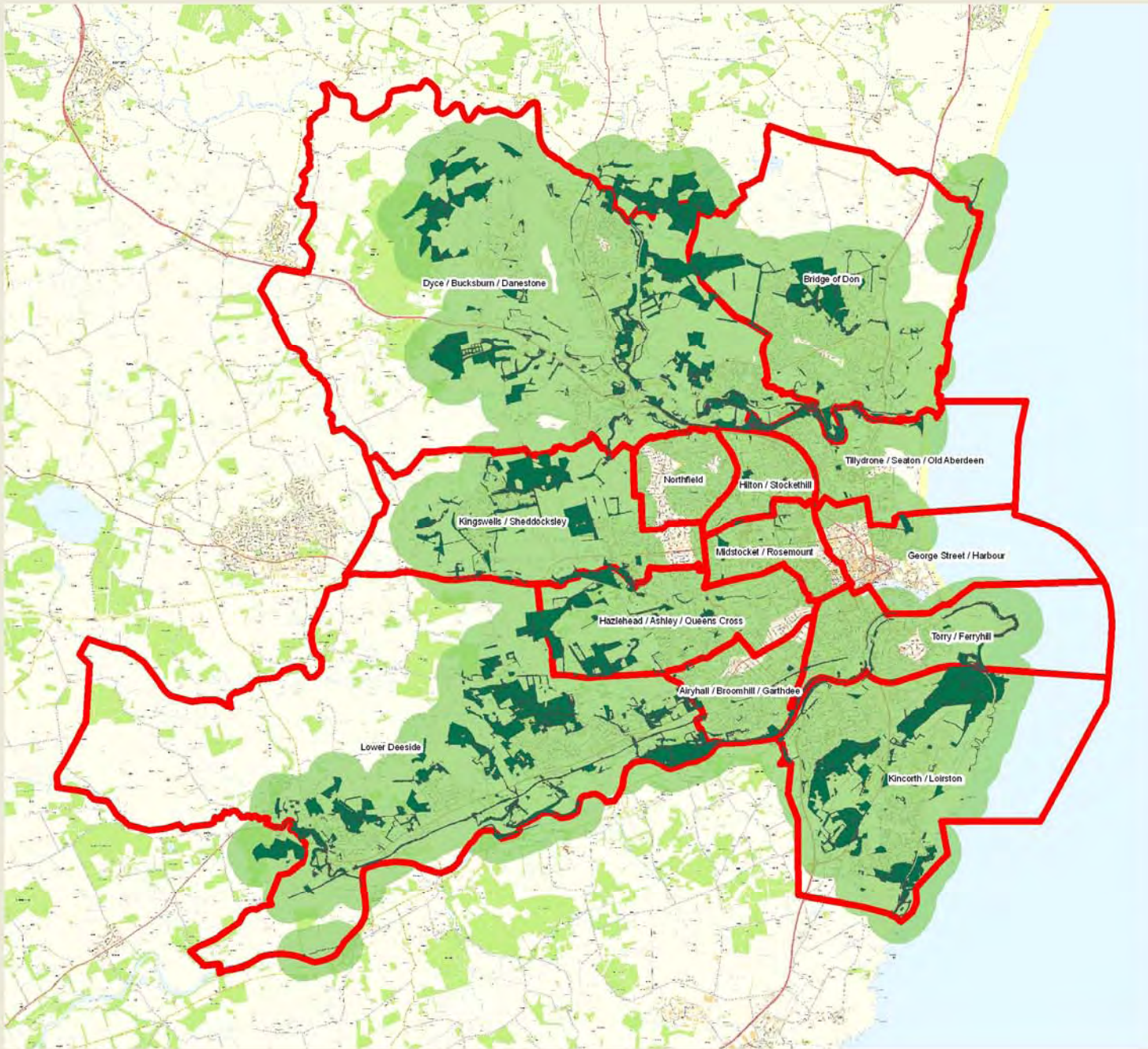
- ACC Ward Boundaries
- Playspaces
- Children Playspaces_400m



Accessibility of Children Playspaces (400m)

February 2010

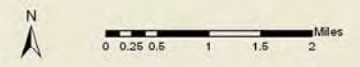
APPENDIX N: ACCESSIBILITY – SEMI-NATURAL OPEN SPACES



ABERDEEN OPENSOURCE AUDIT

Legend

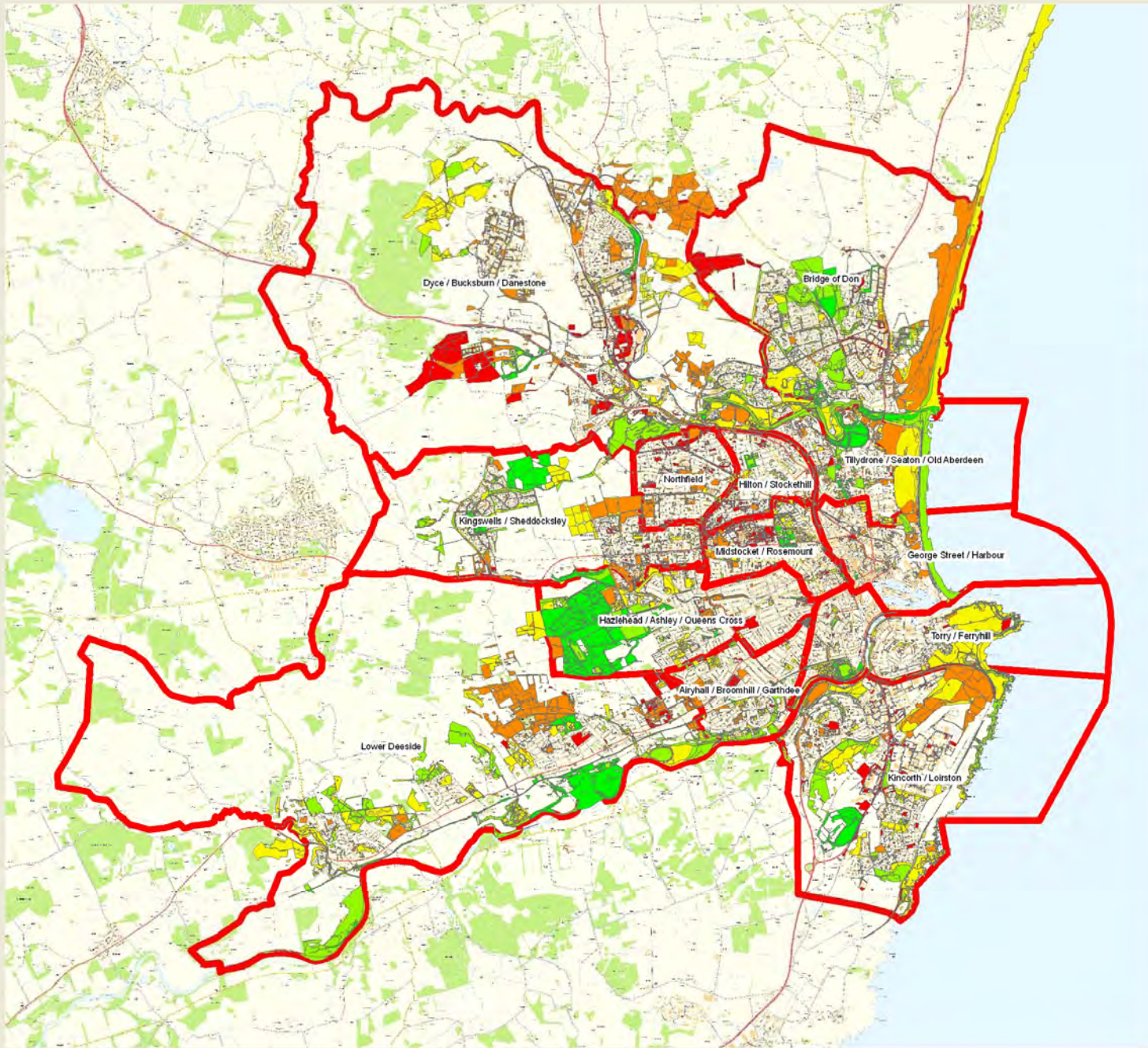
- Natural/ Semi-Natural Openspace
- Natural/ Semi-Natural Openspace_500m
- ACC Ward Boundaries



**Accessibility of
Natural/ Semi-Natural Openspace
(400m)**

February 2010

APPENDIX O: OVERALL QUALITY SCORES

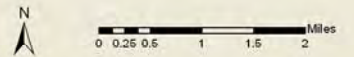


ABERDEEN OPENSACE AUDIT

Legend

Openspaces (>0.2ha)
Openspace_Auditv9.OVERALL

- 5 - 10
- 11 - 13
- 14 - 16
- 17 - 19
- 20 - 25
- ACC Ward Boundaries



Openspace Quality Scores
(out of a total score of 25)

February 2010

APPENDIX P – LIST OF AUDITED SITES


Site ID	Site Name		
AN01	Auchmill Golf Course	AN69	Hilton and Northfield
AN02	Heathery Fold Circle GS	AN70	Kittybrewster Depot
AN03	Westerton Play Area	AN71	Berryden Retail Park
AN04	Heathery Fold	AN72	Aberdeen University
AN05	Manor Walk Football Ground	AN73	Aberdeen University/ Old Aberdeen
AN06	Heathery Fold Allotments	AN74	Berryden
AN07	Manor Terrace	AN75	King Street/ Pittodrie
AN08	Cummings Park Crescent GS	AN76	Northfield
AN09	Persley Crescent GS	AN77	Provost Fraser
AN100	Sheddocksley Residential GS	AN78	Mastrick
AN101	Lerwick Road Residential GS	AN79	Bucksburn House
AN102	Kingsford School GS	AN80	Muggiemoss
AN103	Sheddocksley Residential GS	AN81	Abergledie Street Bowling Green
AN104	Northfield Academy GS	AN82	Auchmill Road Public GS
AN105	Northfield Outdoor Sports Centre	AN83	Aberdeen Bay Coastline
AN106	Castleton Crescent Residential GS	AN84	Quarryhill School
AN107	Stocket Hill Residential GS	AN85	Seaton Residential GS
AN108	North Anderson Drive GS	AN86	Northfield Community Centre
AN109	Hilton Residential GS	AN87	Auchmill Road Residential GS
AN11	Grove Cemetery	AN88	Northfield Residential 2 GS
AN110	Ashgrove Children Centre	AN89	Bramble Brae Primary School GS
AN111	Ashgrove Residential GS	AN90	Smithfield Primary School GS
AN112	Forresterhill Hospital GS	AN91	Middlefield Primary School GS
AN113	St Machar School Grounds	AN92	Tillydrone Residential GS
AN114	Froghall Residential GS	AN93	Muggiemoss Road Industrial GS
AN115	Queen's Links Residential GS	AN94	Hilton RD Community Centre
AN116	Linksfield School GS	AN95	Hayton Residential GS
AN117	Northern Bowling Club	AN96	Tillydrone Residential 2 GS
AN118	Greenfields Community Woodland	AN97	St Peters RC School GS
AN12	Woodside Land Residential GS	AN98	Cruickshank Botanic Garden
AN13	Woodside Sports Field	AN99	Seaton Primary School GS
AN14	Murray Court GS	AS01	Hazelhead Crematorium
AN15	Stewart Park	AS02	Hazelhead Caravan Site
AN16	Sandilands	AS03	Hazelhead Park
AN19	Montgomery Crescent 1	AS04	Queen's Den North
AN20	Montgomery Crescent 2	AS05	Hazlehead Housing
AN21	Gordon Mills Place	AS06	Hazelhead Crescent GS
AN22	Gordon Mills Road	AS07	Lang Stracht/Summerhill
AN23	Tillydrone Playing Fields	AS08	Fernielea Open Space
AN24	St Peters RC School GS	AS09	Craigiebuckler Avenue
AN25	Seaton Park	AS10	Walker Den North
AN26	Donmouth LNR	AS100	Rosemount Residential GS
AN27	Seaton Play Ground 1	AS101	City Centre GS
AN28	Seaton Play Ground 2	AS102	Aberdeen Grammar School GS
AN29	King's Links	AS103	Kaimhill Residential GS
AN30	Sheddocksley Football Field	AS104	Garthdee Retail Park
AN31	Springhill Park	AS106	Devannah Terrace Residential GS
AN32	Sumburgh Crescent	AS107	Denburn/Hazelhead
AN33	Taransay Court GS	AS108	Woodend Hospital

AN34	Arran Avenue Residential GS	AS109	Ashley Lodge Residential Care Home
AN35	Hallfield Crescent	AS11	Culter By-pass
AN36	Northfield Swimming Pool	AS110	North Anderson Drive GS
AN37	Moir Green	AS111	Garthdee Residential GS
AN38	Beech Road Play Area	AS112	Rutherston Residential GS
AN39	Willow Park Crescent Play Area	AS113	Woodend Bowling Green
AN40	Castleton Crescent Play Area	AS114	Morningside Crescent GS
AN41	Stocket Hill Residential GS	AS12	Summerhill Playing Fields
AN42	Woodhill House / Forrester Hill GS	AS13	Mid Stocket
AN43	Cornhill Residential GS	AS14	Woodhill Road
AN44	Moir Avenue	AS15	Rubislaw Den
AN45	Hilton Woods	AS16	Hill of Rubislaw
AN46	Cornhill Terrace	AS17	Johnston Gardens
AN47	Ash-hill Drive	AS18	Springbank Cemetery
AN48	Gillespie Crescent	AS19	Seafield Road Play Area
AN49	Burnside Gardens	AS20	Cromwell Road
			Seafield Bowling Club & Rubislaw
AN50	Ashgrove Housing	AS21	Tenni
AN51	Westburn Park	AS23	Victoria Park
AN52	Stafford Street Play Area	AS24	Hutcheon Street
AN53	Powis Crescent GS	AS25	West North Street Roundabout
AN54	St Machars Outdoor Centre	AS26	Glenburn
AN55	St Peter's Cemetery	AS27	Jacks Brae
AN56	Mounthooly Way	AS28	Gilcomston
AN57	Trinity Cemetery	AS29	Union Terrace Gardens
AN58	Regent Walk	AS30	St Nicholas Church
AN59	Broad Hill	AS31	Castlegate
AN60	Queen's Links Bowling Green	AS32	Queens & Rubislaw Terrace Gardens
			Garthdee Sports & Alpine Adventure
AN61	Queen's Links Recreation Ground	AS33	Park
AN62	Beach Esplanade	AS34	Bon Accord Terrace Gardens
AN63	Laburnum Walk	AS35	Nellfield Cemetery
AN64	Auchmill Playing Fields	AS36	Albury Play Area and Sports Ground
AN65	Persley Walled Garden	AS37	Marine Bank
AN66	John Knox Churchyard	AS38	Broomhill Woodies
AN67	Regent Walk Play Area	AS39	Gray Street Allotments
AN68	Hillhead Residential Halls	AS40	Pitstruan Sports Centre
AS41	Footdee Play Ground	BD29	River Don DWS
AS42	Deeside Railway Footpath 3	BD30	Scotstoun LNR
AS44	Morrison Drive	BD31	Mundurno, Bridge of Don
AS45	Auchinyell Road	BD32	Mill of Mundurno
AS46	Garthdee Drive	BD34	Newburgh Avenue GS
AS47	Kaimhill Outdoor Centre	BD35	Denmore Industrial Area GS
AS48	Hazelhead Cemetery	BD36	AECC & King Roberts Community
AS49	Duthie Park	BD37	Bridge of Don Science and Energy Pa
AS50	Kaimhill Road Crematorium	BD38	Donmouth Beach
AS51	Garthdee Road GS	BD39	Grandholm Village
AS52	Riverside Drive	BD40	Denmore/Tescos
AS53	Allanvale Cemetery	BD41	Persley Woods
AS54	Maidencraig LNR	BD42	Clerkhill Forest B
AS55	Summerhill Residential GS	BD43	Oldmachar Academy
AS56	Roswell Residential GS	BD44	Gordon Baracks Playing Fields

AS57	Hazlewood School GS	BD45	Balgownie Road
AS58	Countesswells	BD46	Danestone Primary
AS59	Countesswells	BD47	Aberdeen University Playing Fields
AS60	Dalmunzie Road	BD48	Scotstown School GS
AS61	Mannofield Cricket Ground	BD49	Forehill School GS
AS62	Milltimber	BD50	Middleton Park Residential GS
AS63	Garthdee and Inchgarth	BD51	Parkway Industrial GS
AS64	RGU Campus/Retail	BD52	Greenbrae Crescent GS
AS65	Scottish Water Mannofield	BD53	Denmore Business GS
AS66	Macaulay/Craigbuckler/Seafield GS	BD54	Bellfield Road School GS (D)
AS67	Craigbuckler/Airyhall School	BD55	Balgownie S&T Park
AS68	Kepplestone	DE01	Johnston Gardens
AS69	Harlaw/Grammer Playing Fields	DE02	Coronation Road
AS70	Albyn School	DE03	Culter Burn GS
AS71	Ashley Road School	DE04	Peterculter Golf Club
AS72	St Margarets Public School	DE05	Deeside Railway Footpath 1
AS73	Ferryhill Residential	DE06	Colt Hill
AS74	Ferryhill Residential GS	DE07	The Meadows
AS75	Beach Boulevard/ Harbour	DE08	Earls Park Road
AS76	Polmuir Road Bowling Green	DE09	Cairnlee Road GS
AS77	Broomhill Road GS	DE10	Bucklerburn Drive GS
AS79	Hazlehead Primary School	DE11	Deeside Golf Course
AS80	Ferryhill School/ Community Centre	DE12	Allan Park
AS81	Claremont Street	DE13	Darroch Park
AS82	Cults Quarry DWS 36	DE14	Kirk Terrace
AS83	Cults Primary School	DE15	Cults Burn
AS84	Gordon Highlanders Museum	DE16	Garthdee Allotments
AS85	Hannover School GS	DE17	Deeside Railway Footpath 2
AS86	Hazlehead Academy GS	DE18	Friarsfield Road GS
AS87	Craigiebuckler Church Grounds	DE19	Cults Academy
AS88	Raeden Residential GS	DE20	Culter House Road
AS89	Mile End 3Rs School GS	DE21	Craigton
AS90	Raeden Centre	DE22	Camphill School
AS91	Oakbank School GS	DE23	Craigton Road
AS92	Midstocket Residential GS	DE24	Robert Gordons Playing Fields
AS93	Bonnymuir Bowling Green	DE25	Airyhall Road
AS94	Wolmanhill Park	DE26	Airyhall School
AS95	Hamilton Place Bowling Green	DE27	Norwood/RGU
AS96	Aberdeen Bowling Green	DE28	Craibstone Golf Course
AS97	Rubislaw Den Residential GS	DE29	Newton Dee
AS98	Marathon House GS	DE30	Craigton Playing Fields
AS99	Seafield Residential GS	DE31	The Bush
BD01	Ashwood Residential GS	DE32	Peterculter Bowling Club
BD02	Middletown GS	DE33	Peterculter Residential GS
BD03	Lee Crescent GS 1	DE34	Milltimber School
BD04	Lee Crescent GS 2	DE36	Milltimber Woodland GS
BD05	Middleton Way Residential GS	DE37	Cults Residential GS
BD06	Middleton Park	DE38	Cults Bowling Club
BD07	Whitestripes Way GS	DE39	Albyn School Playing Fields
BD08	Buckie Wynd GS	DE40	Cairnlee Residential GS
BD09	Dubford Grove GS	DE41	Slopefield Allotments
BD10	Dubford Gardens	DE42	International School of Aberdeen

BD11	Sea view Drive GS	DY01	Riverside Park
BD12	Dunmore GS	DY02	Pitmedden Avenue GS
BD13	Dubford Road GS	DY03	Pitmedden Playing Fields
BD14	Lochside Road GS	DY04	Skene Play Area
BD15	Denmore Road GS	DY05	Central Park
BD16	Denmore Road Playing Fields	DY06	Parkhill Crescent GS
BD17	Bridge of Don Academy GS	DY07	Belrorie Circle GS
BD18	Braehead Way	DY08	Greenburn Drive Playing Fields
BD19	Westfield Park	DY09	Forrit Brae Playing Fields
BD20	Gordon Road	DY10	Bankhead Playing Fields
BD21	Old Machar Play Area	DY11	Bankhead Avenue
BD22	Royal Aberdeen Golf Club	DY12	Sclattie Allotments
BD23	Balgownie Drive	DY13	Hopetoun Terrace & Farm
BD24	Buckie Wynd GS	DY14	Clover Court GS
BD25	Wallace Brae GS	DY15	Cloverfield Gardens Play Area
BD26	Fairview Circle	DY16	Bucksburn Academy
BD27	Danestone Residential GS	DY17	Middlebrae GS
BD28	Fairview Manor GS	DY18	Netherhills Place
DY19	Cruikshank Crescent Play Area	SD38	Abbey Place Play Area
DY20	Newton Terrace Playing Fields	SD39	Cove Quarry Community Woodland
DY21	Kingswells Crescent GS 1	SD40	Charlestown Natural Area
DY22	Kingswells Crescent GS 2	SD41	South Loriston Farmland
DY23	Clova Park	SD42	Cove Residential Areas
DY24	Wellside End GS	SD43	Cove Coastline GS
DY25	Midmar Crescent GS	SD46	Loirston Loch
DY26	Kingswood Drive	SD47	Wellington Circle Industrial Area
DY27	Webster Park	SD48	Altens South
DY28	Kingswells Crescent GS 3	SD49	Altens (around community woodland)
DY30	Rowett	SD50	Altens Industrial Estate
DY31	Craibstone	SD51	Leggart
DY32	Craibstone	SD54	Tullos South
DY34	Stoneywood South	SD55	Tullos
DY35	Stoneywood Primary School	SD56	Torry
DY36	Stoneywood	SD57	Torry/Harbour Area
DY37	Pitmedden	SD58	River Dee/ Harbour Area
DY38	Kirkhill and Wellhead Industrial	SD59	Burbank Natural Area
DY39	Overton	SD60	Burbank Village Centre
DY40	Clerkhill Forest	SD61	Alten Total Amenity Area
DY41	Bankhead Allotments	SD62	Beechwood School GS
DY42	Bucksburn Valley	SD63	Kincorth Academy GS
DY43	Kingswells Park and Ride	SD64	Altens Community Woodlands
DY44	Clogwill	SD65	Cairngorm - School GS
DY45	Parkway/BP Business Amenity	SD66	Nigg Bay Coastline
DY46	Parkhill Forest	SD67	Altens Coastline
DY47	Dyce Drive Football Playing Fields	SD68	Tullos School GS
DY48	Craibstone Estate Forest Area	SD69	Sue Ryder Care Home
DY49	Kingswells South GS	SD70	Torry Residential GS
DY50	Craibstone Estate Forest Area	SD71	Nigg Bay
DY51	Dyce Industrial GS	SD72	St Fitticks Bay
DY52	Stoneywood Dyce Cricket Ground	SD73	Maryculter Residential GS
DY53	Bankhead Academy GS	SD74	Kincorth Residential GS
DY54	Cordyce School GS	SD75	Kincorth School Grounds

DY55	Dyce Schools GS	SD77	Thistle Hotel, Altens
DY56	Bankhead Bowling Green	SD78	Loriston Village GS
DY57	Forrit Brae Residential GS	SD79	Loirston School GS
DY58	Bankhead Residential GS	SD80	Wellington Road
DY59	Hopetoun Farm	SD81	Victoria Road School
DY60	Bucksburn Residential GS	SD82	Charlestown Industrial Area
DY61	Bucksburn Valley GS		
DY62	Kingswells Business/Residential GS		
DY63	Kingswood Drive Residential GS		
DY64	Kingswells North SemiNatural		
DY65	Broaddykes Drive GS		
DY66	Kirkhill and Wellhead/Airport		
DY67	Kirkhill Forest		
RL01	Railway Line		
SD01	Coronation Gardens/ Inverdee Football		
SD02	Abbotswell Road		
SD03	Banks of Dee Sports Centre		
SD04	Mansfield Place		
SD05	Tullos Crescent GS		
SD06	Torry Sports Centre		
SD07	Baxter Place GS		
SD08	Greyhope Road Allotments		
SD09	Balnagask Golf Course		
SD10	Torry Point Battery		
SD11	Walker Park		
SD12	St Fitticks		
SD13	Loirston Recreation Area		
SD14	Provost Watt Drive		
SD15	Kincorth Sports Centre		
SD16	Corthan Crescent GS		
SD17	Valley Crescent GS		
SD18	Abbotswell Drive GS		
SD19	Leggart Terrace Garden		
SD20	Kincorth Circle Path		
SD21	Kincorth Circle		
SD22	Shepherd Place		
SD23	Matthews Road		
SD24	Auldearn Gardens		
SD25	West Tullos Road GS		
SD26	Kincorth Hill LNR		
SD27	Calder Park Sports Field		
SD28	Craigmaroinn Gardens		
SD29	North Loirston/ Marchmont Place		
SD30	Cove Children's Centre		
SD31	Loirston Avenue		
SD32	Loirston Mains		
SD33	Cove Rangers FC		
SD34	Earns Heugh Road		
SD35	Catto Park		
SD36	Charlestown Walk		
SD37	Charlestown School		

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2>
<p>Report of Handling</p>	

Site Address:	636 King Street, Aberdeen, AB24 1SN
Application Description:	Change of use of House in Multiple Occupation (HMO) to serviced apartments (retrospective)
Application Ref:	230918/DPP
Application Type:	Detailed Planning Permission
Application Date:	28 July 2023
Applicant:	Vion Properties Limited
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council:	Seaton And Linksfield
Case Officer:	Alex Ferguson

DECISION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site comprises a traditional 1½ storey granite-walled, slate pitch-roofed detached dwellinghouse situated on the eastern side of King Street, approximately 150m to the north of its junctions with School Road and St Machar Drive. The property was until recently in use as a House in Multiple Occupation until it was converted into serviced apartments for short-term stays in 2022, without planning permission. The site lies within a residential area and is bound to the north, east and west by neighbouring residential properties. The building has a single storey flat-roofed rear extension and site towards the front (west) of a c. 575sqm plot.

Relevant Planning History

Application Number	Proposal	Decision Date
161386/CLE	Use of property as a H.M.O. (House of Multiple Occupation).	29.09.2016
		Status: Certificate Issued

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought, retrospectively, for the change of use of the property from a House in Multiple Occupation (HMO) to seven serviced apartments, each of which are let

individually, on a short-term basis (minimum one night duration of stay).

The majority of the apartments have their own, self-contained kitchens and ensuite bathrooms with the exception of apartment 4 (ground floor) which has a kitchen and shower room within the building's rear extension, and apartments 5 and 6 at first floor level, which share a kitchen. There is also a communal laundry room at first floor level. The property has a communal garden area to the rear that can be used by all guests.

Amendments

In agreement with the applicant, the following amendments were made to the application:

- Amendment of description

Supporting Documents

All drawings can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RYGN16BZLUU00>

CONSULTATIONS

ACC - Roads Development Management Team – No objection. The site lies in an Outer City location and not within a Controlled Parking Zone. The site is accessible by foot via the existing adopted footpath network on King Street which provides connectivity to the wider area, including public transport linkages, with a bus stop immediately outside the application property. The site has no existing or proposed car parking provision but the proposed use as serviced apartments has the same parking requirements as the authorised use of the property as an HMO, therefore there would be no net detriment to parking provision and a car-free development is acceptable

ACC - Waste and Recycling – No objection. The development will require additional bins. The applicant should contact the Council's Business Waste team to discuss the provision of additional bins, if the application is approved. Further general comments in relation to business waste were also provided and have been added as an advisory note for the applicant to be aware of.

Seaton and Linksfield Community Council – No comments received.

REPRESENTATIONS

None.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Development Plan

National Planning Framework 4 (NPF4)

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 30 (Tourism)

Aberdeen Local Development Plan 2023 (ALDP)

The following policies are relevant –

- Policy H1 (Residential Areas)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC2 (Tourism and Culture)

Interim Aberdeen Planning Guidance

Aberdeen Planning Guidance is Interim Planning Guidance. The documents hold limited weight until they are adopted by the Council. The weight to be given to Interim Planning Guidance prior to its adoption is a matter for the decision maker. The following guidance is relevant –

- Serviced Apartments

EVALUATION

Principle of Development

Policy 30 (Tourism), paragraph (e) of National Planning Framework 4 (NPF4) states:

e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or*
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits*

The application site lies within a Residential Area, as zoned in the Aberdeen Local Development Plan 2023 (ALDP) Proposals Map. Policy H1 (Residential Areas) states that:

Within existing residential areas, proposals for non-residential uses will be supported if:

- 1. they are considered complementary to residential use; or*
- 2. it can be demonstrated that the use would cause no conflict with, or any nuisance to, the*

enjoyment of existing residential amenity

Impact on the character and amenity of the area

The application property is a detached dwellinghouse whose curtilage is bound to the north and south by neighbouring detached buildings which are in residential use. The building to the north contains two residential flats and the dwelling to the south is in use as a 5-person House in Multiple Occupation (HMO). The proposed use of the application building as 7 serviced apartments would likely have a similar impact on the amenity of the neighbouring properties as the previous, authorised HMO use in terms of its quasi-residential nature and the level of activity from comings and goings. Combined with the location of the site which fronts directly onto the heavily trafficked, busy and noisy King Street road carriageway, it is considered that the proposed use would not likely have any impact on the amenity of any neighbouring uses.

The development for which permission is retrospectively sought does not involve any physical alterations or extensions to the building and given the busy nature of King Street, it is considered that the change of use does not adversely affect the character of the area. The proposals are therefore compliant with Policy 30(e)(i) of NPF4 and Policy H1 of the ALDP.

Provision of short-term tourist accommodation and local economic benefits

Policy VC2 (Tourism and Culture) of the ALDP states that:

'Proposals for new, or expansion of existing, visitor attractions and facilities capable of strengthening the appeal and attraction of Aberdeen to a wide range of visitors will be supported.

'Proposals should complement existing visitor facilities and be sequentially located in the city centre, or on a site allocated for that use in this Plan, unless activity and locality specific issues demonstrate that this is impracticable.'

The use of the property as short-term tourist accommodation (serviced apartments) offers a different type of visitor accommodation to hotels and guesthouses that can be more attractive for certain visitors, than mainstream hotel accommodation. The Scottish Government's publication on 'Short Term Lets: Business and regulatory impact assessment' from November 2021 states:

'Short-term lets make an important contribution to the tourist economy because they can:

- a) offer visitors a unique tourist experience through a host's local knowledge, increasing the attractiveness of Scotland as a place to visit,*
- b) offer accommodation in places not served by hotels and hostels, for example, and therefore help with dispersal of visitors from "hotspot" areas,*
- c) offer more affordable accommodation, helping to attract tourists that may have a lower budget, and*
- d) provide additional capacity to accommodate tourist or other visitor demand in areas with a high demand over a short period of time (for example, to accommodate tourists during the Edinburgh Festival or the Open golf tournament).'*

Although it is not possible to precisely quantify or demonstrate the local economic benefits that would be derived from the use of the application property as serviced apartments, as required by Policy 30(e)(ii) of NPF4, given the likely use of the property by tourists and/or business travellers, it

is envisaged that customers of the property would be likely to spend money in the local tourism and hospitality sectors, to the benefit of those businesses. This is backed up in general terms by the Scottish Government's 'Research into the impact of short-term lets on communities across Scotland' publication, produced in October 2019, which states in Key Findings - Chapter 5:

'The positive impacts of STLs most commonly identified related to the local economic impacts associated with the tourism sector.'

Although the application property is not within the city centre, as defined in the ALDP Proposals Map, and it is a reasonably long walk to the city centre, the site lies immediately adjacent to bus stops on King Street that are served by multiple regular bus services to and from the city centre. The site also lies in close proximity to shops and other facilities and amenities on King Street, as well as the University of Aberdeen campus. It is therefore considered that although the property would not be located within the city centre (as sequentially preferred by Policy VC2), it would be within walking distance of the city centre and other amenities and facilities, and the city centre is also easily accessible from the property by public transport, therefore the use of the property as serviced apartments is considered to be acceptable despite not being fully compliant with the expectations of Policy VC2 of the ALDP.

Although housing is in need in Aberdeen, there is not currently understood to be any significant pressure placed on local housing need from the amount of short-term lets or serviced apartments in Aberdeen, as is experienced elsewhere in Scotland (for example Edinburgh and the Highlands & Islands in particular), therefore it is considered that the loss of residential accommodation resulting from the use of the property as serviced apartments would not have any significant impact on local housing need – ensuring that the proposals are generally compliant with the aims of Policy 30(e)(ii) of NPF4.

However, it is recognised that housing need and demand can be subject to significant change over time, as demonstrated by such matters being periodically reviewed and quantified through Housing Need and Demand Assessments and addressed through the Development Plan process.

In relation to the duration of planning permissions for Short Term Lets, the Scottish Government Circular 1/2023 (Short-Term Lets and Planning) notes that:

4.14 Planning authorities can impose a condition when granting planning permission to require the permitted use to be discontinued after a specified period – this is known as “planning permission granted for a limited period”.

4.15 Planning authorities may consider applying a discontinuation condition of 10 years, or such other time period as they consider appropriate, when granting planning permission for short term letting in a control area (or outside, if they see fit).

The grant of planning permission for the use of the property as serviced apartments on a permanent basis would result in the permanent loss of residential accommodation in a sustainable location. As such, it is considered necessary in this instance to grant planning permission for a time-limited period of five years, which is the time period between the publication of Housing Need and Demand Assessments:

- To ensure that local housing need, demand and supply can be considered for any future applications for the continued use of the property as serviced apartments;
- To allow for the site to be automatically returned to residential use upon the expiry of the permission (unless a new consent is granted in the meantime); and

- To further consider the demonstrable local economic benefits of the property's use as serviced apartments at the time of any further planning application.

Amenity for occupants

The apartments are all relatively small (c. 20-25sqm), are all single-aspect and they largely only have access to basic kitchenettes and shower rooms. As such, the 7 apartments would not be acceptable and could not be supported as mainstream, permanent housing as they would not meet the Council's minimum amenity standards for residential properties. However, given the temporary, short-term nature of accommodation provided in serviced apartments, they are not considered to constitute a form of permanent housing (as per the Serviced Apartments Interim APG) and as such, the quality of amenity available to occupants does not require to be of the same level as that typically sought for permanent housing.

Given the short-term nature of the proposed use, it is considered that an acceptable amenity would be provided for the occupants. It is however necessary to attach a condition to the permission which restricts the maximum period of occupancy of any unit (or multiple units) by an individual, family or group of individuals to 90 days within any calendar year – in order to prevent the use of the apartments as a more permanent form of residential accommodation, as the level of amenity would not be sufficient for such accommodation.

Transport and Accessibility

Policy 13 (Sustainable Transport) on NPF4 and Policy T2 (Sustainable Transport) of the ALDP all promote and encourage the use of sustainable and active modes of travel where possible, as opposed to private vehicle trips. Policy T3 (Parking) of the ALDP is supportive of low or no car development in suitable locations where there is adequate access to active travel and public transport options.

The application site is located in an accessible position immediately adjacent to a bus stop which is served by bus services to the city centre and beyond. The site is also within walking, wheeling and cycling distance of the University of Aberdeen campus and various facilities and amenities. Although no car parking spaces would be provided within the property curtilage, given the scale of the development, its location and accessibility to public transport, it is considered that the site would likely be predominantly accessed by sustainable and active modes of travel, in accordance with Policy 13 (Sustainable Transport) of NPF4 and Policies T2 (Sustainable Transport) and T3 (Parking) of the ALDP.

Waste Management

Policies 12 (Zero Waste) of NPF4 and R5 (Waste Management Requirements for New Development) of the ALDP require all new developments to have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate.

There is ample space within the front curtilage of the property for the storage of any waste generated by the development, which can then be collected from King Street. The Council's Waste and Recycling team have advised that additional bins will be required to serve the development compared to the previous (and authorised) HMO use but they have advised that further discussions with the Council's Business Waste team should take place in that regard, should the application be approved. Given there is sufficient space within the curtilage for the adequate storage and collection of waste, the proposals are considered to comply with the requirements of Policies 12 and R5.

DECISION

Approve Conditionally

REASON FOR DECISION

The use of the property as serviced apartments increases the offering of short-stay business and leisure tourist accommodation in the city, which is generally in accordance with the aims of Policy VC2 (Tourism and Culture) of the Aberdeen Local Development Plan 2023 (ALDP), albeit the application site is not located within the city centre. The property's use as serviced apartments would likely provide some local economic benefits, potentially to the tourism and hospitality sectors, without causing any significant harm to local housing need through the loss of residential accommodation, in accordance with Policy 30 (Tourism) of National Planning Framework 4 (NPF4). The proposed use would also not conflict with, or cause any nuisance to, the residential amenity of the area, in accordance with Policy 30 of NPF4 and Policy H1 (Residential Areas) of the ALDP.

It is considered that there would be sufficient amenity for the occupants of the proposed apartments given the short-term, temporary nature of the accommodation being provided, which would be for tourists and/or business travellers, rather than permanent residents. The application site is located in an accessible position immediately adjacent to a bus stop which is served by bus services to the city centre and beyond. The site is also within walking, wheeling and cycling distance of the University of Aberdeen campus and various facilities and amenities. Although no car parking spaces would be provided within the property curtilage, given the scale of the development, its location and accessibility to public transport, it is considered that the site would likely be predominantly accessed by sustainable and active modes of travel, in accordance with Policy 13 (Sustainable Transport) of NPF4 and Policies T2 (Sustainable Transport) and T3 (Parking) of the ALDP. There is sufficient space within the curtilage of the property for the storage of any waste generated by the new use, and for the suitable collection of that waste, in accordance with Policy 12 (Zero Waste) of NPF4 and Policy R5 (Waste Management Requirements for New Development) of the ALDP.

The proposed development, comprising the change of use of an existing property, with no associated external alterations, is sufficiently small-scale such that it would not make any material difference to the global climate and nature crises nor to climate mitigation and adaptation, nor are there any opportunities to minimise greenhouse gas emissions given the nature of the proposals, therefore the proposed development is compliant with Policies 1 (Tackling the Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) of NPF4. There is no opportunity to enhance on-site biodiversity, therefore the proposals are acceptable, despite some minor tension with Policy 3 (Biodiversity) of NPF4.

CONDITIONS

(1) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

(2) MAXIMUM LENGTH OF CUSTOMER STAYS

That not any one or more of the serviced apartments hereby approved shall be occupied for a period in excess of 90 days in any one calendar year by any one family, individual or group of individuals.

Reason: In order to ensure that the apartments are not used as permanent, mainstream housing, due to the deficit in amenity that would be required for such accommodation.

(3) TIME LIMIT FOR SERVICED APARTMENT USE

The hereby approved use of the property as serviced apartment accommodation shall expire 5 years following the date of the grant of permission as stated on this notice, unless a further planning permission has been granted for continued use of the property as serviced apartment accommodation in the meantime. Should no further planning permission be granted then the property shall revert to residential use as a single House in Multiple Occupation after the aforementioned 5-year period.

Reason: In order to allow the local housing need and demand situation and the local economic benefits derived from the use of the property as serviced apartments to be reassessed in 5 years' time, to ensure that the loss of the property as residential accommodation would remain compliant with Policy 30 of NPF4.

ADVISORY NOTES FOR APPLICANT

(1) FUTURE CONVERSION TO MAINSTREAM RESIDENTIAL ACCOMMODATION

The applicant should be aware that this consent hereby grants planning permission for the use of the property as serviced apartments, which differs from mainstream housing. Any future proposal to use the apartments as mainstream, permanent housing (other than reversion to one single HMO dwellinghouse as per condition 2) would require detailed planning permission.

(2) WASTE MANAGEMENT

See below for general comments:

- Business premises need to be provided with a bin store to allocate, within the property curtilage for the business waste and recycling bins
- Commercial waste bins cannot be stored on the street any day of the week as per Council Policy 2009 (Obstructions- Commercial Waste Bins). Infringement on the Council Policy can lead to a fine of £500 per bin as adopted by the Enterprise, Strategic Planning and Infrastructure Committee on 29th August 2013
- There are many waste contract collection providers operating in Aberdeen and each one provides different collection of waste and recycling services. For this reason, business premises need to liaise with their waste contract collection to ensure the correct management of their waste.
- Business premises have a legal Duty of Care covering all the waste they produce. This means that it is the Business premises responsibility to manage and dispose of any waste correctly.
- The Waste (Scotland) 2012 requires that **all businesses** from 1st January 2014 are required to separate paper, cardboard, glass, plastic and metals for recycling. Some businesses will additionally be required to separate their food waste (where food waste >5kg per week).
- General tips for site and hopefully the chosen waste collection contractor will detail this but for access, the following is needed:
 - An area of hard standing at storage and collections point(s)
 - Dropped kerb at proposed bin collection point
 - Yellow lines in front of bin collection point

- Bin storage areas to ideally be provided with a gulley and wash down facility for the interest of hygiene

For further independent guidance about waste and recycling provision, storage and collection please refer to the following document: http://www.lgcplus.com/Journals/3/Files/2010/7/14/ADEPTMakingspaceforwaste_000.pdf and additional Trade Waste information can be found in the Waste Supplementary Guidance available at <https://www.aberdeencity.gov.uk/sites/default/files/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>

As serviced apartment accommodation comprises a commercial use, business rates are payable by the operator, rather than Council Tax. In the absence of a Council Tax payment which would cover the cost of the collection of waste, the operator is required to either arrange for a private waste collection contractor to collect any waste generated, or to enter into a contract with Aberdeen City Council's Business Waste & Recycling team, to enable the lawful use of domestic waste bins by customers of the property, if they haven't done so already.

Further information is available on the Council's website at:

<https://www.aberdeencity.gov.uk/services/bins-waste-and-recycling/business-waste>

The operator can contact the Council's Business Waste & Recycling team at:

businesswaste@aberdeencity.gov.uk

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Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100637116-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

The application is for a change of use to Serviced Accommodations with no internal and external alterations proposed. The property was in the past authorised for use as HMO but does not currently hold an HMO licence. The current layout of the property constitutes 7 separate rooms of which 4 are studio rooms, 2 are ensuite rooms and 1 room with an external kitchen and bathroom located down the hallway. The proposal is to use the property as self-contained units for short-term let purposes.

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place? Yes No
(Answer 'No' if there is no change of use.) *

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

25/09/2022

Please explain why work has taken place in advance of making this application: * (Max 500 characters)

We were not aware a change of use was required until the property started operating as Serviced Accommodations. Hence, we are applying for planning permission retrospectively, for the change of use of the property to Serviced Accommodations.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Victor"/>	Building Number:	<input type="text" value="53"/>
Last Name: *	<input type="text" value="Nwokolo"/>	Address 1 (Street): *	<input type="text" value="Goodhope Gardens"/>
Company/Organisation	<input type="text" value="Vion Properties Limited"/>	Address 2:	<input type="text" value="Bucksburn"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text" value="REDACTED"/>	Postcode: *	<input type="text" value="AB21 9NG"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="636 KING STREET"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB24 1SN"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="808603"/>	Easting	<input type="text" value="394297"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

We emailed the Aberdeen City Council Planning team to enquire if planning permissions are required for our properties used as short let/serviced accommodations. We received a response from Alex Ferguson who confirmed that "The Planning Service considers that the works that have taken place, and the operation of the largely self-contained studio units for short-term let purposes, constitutes a material change of use from HMO to Serviced Apartments, for which planning permission is required."

Title:	<input type="text" value="Mr"/>	Other title:	<input type="text"/>
First Name:	<input type="text" value="Alex"/>	Last Name:	<input type="text" value="Ferguson"/>
Correspondence Reference Number:	<input type="text"/>	Date (dd/mm/yyyy):	<input type="text" value="07/11/2022"/>

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

Please state the measurement type used: Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

The property is currently used as self-contained units for short-term let purposes for tourists and professionals staying in Aberdeen for a short term. It was previously authorised for use as a House in Multiple Occupation (HMO) but the property does not currently hold an HMO licence. The current layout of the property constitutes 7 separate rooms of which 4 are studio rooms, 2 are ensuite rooms and 1 room with an external kitchen and bathroom located down the hallway.

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? * Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

0

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

The property currently has Aberdeen City Council issued General waste, Recycling and Food/Garden waste bin buckets.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

≤ Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *

≤ Yes No ≤ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

≤ Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

≤ Yes No

Is any of the land part of an agricultural holding? *

≤ Yes No

Are you able to identify and give appropriate notice to ALL the other owners? *

Yes ≤ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Mr Badrinath Hebsur

Address:

Kyte Properties Limited, 8, Caulderhame Road, Currie, Edinburgh, EH14 5TU

Date of Service of Notice: *

10/04/2023

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed:

Mr Victor Nwokolo

On behalf of:

Date:

27/07/2023

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *	≤	Yes	T	N/A
A Design Statement or Design and Access Statement. *	≤	Yes	T	N/A
A Flood Risk Assessment. *	≤	Yes	T	N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	≤	Yes	T	N/A
Drainage/SUDS layout. *	≤	Yes	T	N/A
A Transport Assessment or Travel Plan	≤	Yes	T	N/A
Contaminated Land Assessment. *	≤	Yes	T	N/A
Habitat Survey. *	≤	Yes	T	N/A
A Processing Agreement. *	≤	Yes	T	N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Victor Nwokolo

Declaration Date: 27/07/2023

Payment Details

Departmental Charge Code: 1234

Created: 27/07/2023 15:52



DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Vion Properties Limited
Mr Victor Nwokolo
53 Goodhope Gardens
Bucksburn
Aberdeen
AB21 9NG

Aberdeen City Council in exercise of its powers under the above mentioned Act hereby **grants planning permission** for the development specified below and shown in the approved plans and drawings.

Application Reference Number	230918/DPP
Address of Development	636 King Street, Aberdeen
Description of Development	Change of use of House in Multiple Occupation (HMO) to serviced apartments (retrospective)
Date of Decision	5 September 2023

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

In agreement with the applicant, the following amendments were made to the application –

- Amendment of description

REASON FOR DECISION

The reasons on which the Council has based this decision are as follows –

The use of the property as serviced apartments increases the offering of short-stay business and leisure tourist accommodation in the city, which is generally in accordance with the aims of Policy VC2 (Tourism and Culture) of the Aberdeen Local Development Plan 2023 (ALDP), albeit the application site is not located within the city centre. The property's use as serviced apartments would likely provide some local economic benefits, potentially to the tourism and hospitality sectors, without causing any significant harm to local housing need through the loss of residential

accommodation, in accordance with Policy 30 (Tourism) of National Planning Framework 4 (NPF4). The proposed use would also not conflict with, or cause any nuisance to, the residential amenity of the area, in accordance with Policy 30 of NPF4 and Policy H1 (Residential Areas) of the ALDP.

It is considered that there would be sufficient amenity for the occupants of the proposed apartments given the short-term, temporary nature of the accommodation being provided, which would be for tourists and/or business travellers, rather than permanent residents. The application site is located in an accessible position immediately adjacent to a bus stop which is served by bus services to the city centre and beyond. The site is also within walking, wheeling and cycling distance of the University of Aberdeen campus and various facilities and amenities. Although no car parking spaces would be provided within the property curtilage, given the scale of the development, its location and accessibility to public transport, it is considered that the site would likely be predominantly accessed by sustainable and active modes of travel, in accordance with Policy 13 (Sustainable Transport) of NPF4 and Policies T2 (Sustainable Transport) and T3 (Parking) of the ALDP. There is sufficient space within the curtilage of the property for the storage of any waste generated by the new use, and for the suitable collection of that waste, in accordance with Policy 12 (Zero Waste) of NPF4 and Policy R5 (Waste Management Requirements for New Development) of the ALDP.

The proposed development, comprising the change of use of an existing property, with no associated external alterations, is sufficiently small-scale such that it would not make any material difference to the global climate and nature crises nor to climate mitigation and adaptation, nor are there any opportunities to minimise greenhouse gas emissions given the nature of the proposals, therefore the proposed development is compliant with Policies 1 (Tackling the Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) of NPF4. There is no opportunity to enhance on-site biodiversity, therefore the proposals are acceptable, despite some minor tension with Policy 3 (Biodiversity) of NPF4.



A full evaluation and account of the processing of the application is contained in the report of handling, which is available by entering the application reference number at <https://publicaccess.aberdeencity.gov.uk/>.

CONDITIONS

This permission is granted subject to the following conditions:

(1) DURATION OF PERMISSION

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

(2) MAXIMUM LENGTH OF CUSTOMER STAYS

That not any one or more of the serviced apartments hereby approved shall be occupied for a period in excess of 90 days in any one calendar year by any one family, individual or group of individuals.

Reason: In order to ensure that the apartments are not used as permanent, mainstream housing, due to the deficit in amenity that would be required for such accommodation.

(3) TIME LIMIT FOR SERVICED APARTMENT USE

The hereby approved use of the property as serviced apartment accommodation shall expire 5 years following the date of the grant of permission as stated on this notice, unless a further planning permission has been granted for continued use of the property as serviced apartment accommodation in the meantime. Should no further planning permission be granted then the property shall revert to residential use as a single House in Multiple Occupation after the aforementioned 5-year period.

Reason: In order to allow the local housing need and demand situation and the local economic benefits derived from the use of the property as serviced apartments to be reassessed in 5 years' time, to ensure that the loss of the property as residential accommodation would remain compliant with Policy 30 of NPF4.

APPROVED PLANS AND DRAWINGS

230918-01	Location Plan
6969 - WD. 01 C	Multiple Floor Plans (Proposed)
230918-02	Other Supporting Statement

Signed on behalf of the planning authority



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION NOTICE

RIGHT OF APPEAL

If the applicant is aggrieved by the decision of the planning authority –

1. to refuse planning permission for the proposed development;
2. to refuse approval, consent or agreement require by a condition imposed on a grant of planning permissions;
3. to grant planning permission or approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A review request must be made using the 'Notice of Review' form available from <https://www.eplanning.scot/>.

SERVICE OF PURCHASE NOTICE

If permission to develop land is refused or granted subject to conditions, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

CONDITIONS



Failure to comply with any condition or limitation subject to which planning permission has been granted is a breach of planning control and may lead to enforcement action being initiated.

A request to discharge a condition which requires the submission and approval of information must be made by submitting the form available at <https://www.aberdeencity.gov.uk/post-decision-submissions>.

COMMENCEMENT AND COMPLETION OF DEVELOPMENT

Prior to implementing this planning permission, a person intending to do so, must give notice to the Council of the date development is expected to commence, by submitting Form A. Failure to do so is a breach of planning control and may lead to enforcement action being initiated.

Subsequently, as soon as is practicable after completion of the development, notice must be given to the Council of the completion date, by submitting Form B.

Forms can be submitted to pi@aberdeencity.gov.uk.

OTHER CONSENTS

This permission does not provide exemption from obtaining other consents administered by Aberdeen City Council, such as advertisement consent, listed building consent, building warrant, premises license, or roads construction consent. Those carrying out development associated with this permission are responsible for obtaining all relevant consents from the Council and other regulatory bodies.

OTHER ADVISORY NOTES

(1) FUTURE CONVERSION TO MAINSTREAM RESIDENTIAL ACCOMMODATION

The applicant should be aware that this consent hereby grants planning permission for the use of the property as serviced apartments, which differs from mainstream housing. Any future proposal to use the apartments as mainstream, permanent housing (other than reversion to one single HMO dwellinghouse as per condition 2) would require detailed planning permission.

(2) WASTE MANAGEMENT

See below for general comments:

- o Business premises need to be provided with a bin store to allocate, within the property curtilage for the business waste and recycling bins
- o Commercial waste bins cannot be stored on the street any day of the week as per Council Policy 2009 (Obstructions- Commercial Waste Bins). Infringement on the Council Policy can lead to a fine of £500 per bin as adopted by the Enterprise, Strategic Planning and Infrastructure Committee on 29th August 2013
- o There are many waste contract collection providers operating in Aberdeen and each one provides different collection of waste and recycling services. For this reason, business premises need to liaise with their waste contract collection to ensure the correct management of their waste.
- o Business premises have a legal Duty of Care covering all the waste they produce. This means that it is the Business premises responsibility to manage and dispose of any waste correctly.
- o The Waste (Scotland) 2012 requires that all businesses from 1st January 2014 are required to separate paper, cardboard, glass, plastic and metals for recycling. Some businesses will additionally be required to separate their food waste (where food waste >5kg per week).
- o General tips for site and hopefully the chosen waste collection contractor will detail this but for access, the following is needed:
 - o An area of hard standing at storage and collections point(s)
 - o Dropped kerb at proposed bin collection point
 - o Yellow lines in front of bin collection point
 - o Bin storage areas to ideally be provided with a gulley and wash down facility for the interest of hygiene

For further independent guidance about waste and recycling provision, storage and collection please refer to the following document:

http://www.lgcplus.com/Journals/3/Files/2010/7/14/ADEPTMakingspaceforwaste_000.pdf and additional Trade Waste information can be found in the Waste Supplementary Guidance available at <https://www.aberdeencity.gov.uk/sites/default/files/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>

As serviced apartment accommodation comprises a commercial use, business rates are payable by the operator, rather than Council Tax. In the absence of a Council Tax payment which would cover the cost of the collection of waste, the operator is required to either arrange for a private waste collection contractor to collect any waste generated, or to enter into a contract with Aberdeen City Council's Business Waste & Recycling team, to enable the lawful use of domestic waste bins by customers of the property, if they haven't done so already.

Further information is available on the Council's website at:

<https://www.aberdeencity.gov.uk/services/bins-waste-and-recycling/business-waste>

The operator can contact the Council's Business Waste & Recycling team at:
businesswaste@aberdeencity.gov.uk

Notification of Initiation of Development

Town and Country Planning (Scotland) Act 1997 – Section 27B

Application reference number: 230918/DPP

Site address: 636 King Street, Aberdeen

Date of decision: 5 September 2023

Person or company intending to carry out the development	
Name and address	
Phone number or e-mail address	
Owner of the land to which the development relates (if different from above)	
Name and address	
Phone number or e-mail address	
Site agent or contractor appointed to oversee development	
Name and address	
Phone number or e-mail address	

Date it is intended to initiate development: DD / MM / YYYY

General Data Protection Regulations – How we use your data

Aberdeen City Council collects, maintains and processes automatically information about you for the purposes of processing and determining planning applications and may be used for consultation purposes where applicable under legislation. Information will be disclosed only in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997 or otherwise as required by law, including disclosure to other agencies (for example Scottish Fire and Rescue Service, Police Scotland, NatureScot, Historic Environment Scotland) as required for the purposes of determining this application.

For the purposes of processing this information Aberdeen City Council is the Data Controller. The Information Commissioner Office is the UK's regulator of data protection law (www.ico.org.uk). For further information on how we use, store & protect your data please see our website www.aberdeencity.gov.uk/your-data/privacy-notices/your-data-planning-application

Notification of Completion of Development

Town and Country Planning (Scotland) Act 1997 – Section 27B

Application reference number: 230918/DPP

Site address: 636 King Street, Aberdeen

Date of decision: 5 September 2023

Person or company completing development	
Name and address	
Phone number or e-mail address	

Date on which development was completed:

DD / MM / YYYY

General Data Protection Regulations – How we use your data

Aberdeen City Council collects, maintains and processes automatically information about you for the purposes of processing and determining planning applications and may be used for consultation purposes where applicable under legislation. Information will be disclosed only in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997 or otherwise as required by law, including disclosure to other agencies (for example Scottish Fire and Rescue Service, Police Scotland, NatureScot, Historic Environment Scotland) as required for the purposes of determining this application.

For the purposes of processing this information Aberdeen City Council is the Data Controller. The Information Commissioner Office is the UK's regulator of data protection law (www.ico.org.uk). For further information on how we use, store & protect your data please see our website www.aberdeencity.gov.uk/your-data/privacy-notices/your-data-planning-application

Consultee Comments for Planning Application 230918/DPP

Application Summary

Application Number: 230918/DPP

Address: 636 King Street Aberdeen AB24 1SN

Proposal: Change of use of House in Multiple Occupation (HMO) to serviced apartments (retrospective)

Case Officer: Alex Ferguson

Consultee Details

Name: Mr Michael Cowie

Address: Aberdeen City Council, Marischal College, Broad Street, Aberdeen AB10 1AB

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

It is noted this application for change of use of House of Multiple Occupation (HMO) to serviced apartments (retrospective) at 636 King Street, Aberdeen AB24 1SN.

It is noted this site is located in the outer city and does not lie within a controlled parking zone (CPZ), albeit just outwith the boundary of CPZ RR.

It is noted the site shall remain accessible on foot via existing adopted footpath network on King Street which provides connectivity to the wider area and community, while also providing the connection to the nearest public transport provision all within immediate vicinity of the site.

It is noted that the site has no existing nor proposed associated parking provision, which as the existing and proposed uses have the same associated parking standard as per ACC supplementary guidance there would be no additional shortfall or detriment within the area. Therefore, in this instance it is confirmed that the retained provision of zero parking is considered acceptable.

It is confirmed that Roads Development Management have no objections to this application.

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Aberdeen City Council – Development Management Team Consultation Request

Response for Application 230918 636 King Street

Please select one of the following.

No observations/comments.	
Would make the following comments (please specify below).	
Would recommend the following conditions are included with any grant of consent.	
Would recommend the following comments are taken into consideration in the determination of the application.	Y
Object to the application (please specify reasons below).	

COMMENTS

The following development is classified as commercial and therefore receives a business waste collection.

When providing feedback on commercial developments, I can only provide a very general response regarding commercial developments due to Aberdeen City Council not being the only waste service contractor available in the city.

Site Specific comments:

- Will require additional bins. To be discussed with Business Waste if approved.

See below for general comments:

- Business premises need to be provided with a bin store to allocate, within the property curtilage for the business waste and recycling bins
- Commercial waste bins cannot be stored on the street any day of the week as per Council Policy 2009 (Obstructions- Commercial Waste Bins). Infringement on the Council Policy can lead to a fine of £500 per bin as adopted by the Enterprise, Strategic Planning and Infrastructure Committee on 29th August 2013
- There are many waste contract collection providers operating in Aberdeen and each one provides different collection of waste and recycling services. For this reason, business premises need to liaise with their waste contract collection to ensure the correct management of their waste.
- Business premises have a legal Duty of Care covering all the waste they produce. This means that it is the Business premises responsibility to manage and dispose of any waste correctly.
- The Waste (Scotland) 2012 requires that **all businesses** from 1st January 2014 are required to separate paper, cardboard, glass, plastic and metals for recycling. Some businesses will additionally be required to separate their food waste (where food waste >5kg per week).
- General tips for site and hopefully the chosen waste collection contractor will detail this but for access, the following is needed:
 - An area of hard standing at storage and collections point(s)
 - Dropped kerb at proposed bin collection point
 - Yellow lines in front of bin collection point

- Bin storage areas to ideally be provided with a gulley and wash down facility for the interest of hygiene

For further independent guidance about waste and recycling provision, storage and collection please refer to the following document:

http://www.lgcplus.com/Journals/3/Files/2010/7/14/ADEPTMakingspaceforwaste_000.pdf and additional Trade Waste information can be found in the Waste Supplementary Guidance available at <https://www.aberdeencity.gov.uk/sites/default/files/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>

Responding Officer: L Todd

Date: 07/08/2023

Email: wasteplanning@aberdeencity.gov.uk

Application 230918/DPP - 636 King Street

Development Plan

National Planning Framework 4

[Supporting documents - National Planning Framework 4: revised draft - gov.scot \(www.gov.scot\)](https://www.gov.scot/supporting-documents-national-planning-framework-4-revised-draft)

- 1. Tackling the climate and nature crises
- 2. Climate mitigation and adaptation
- 3. Biodiversity
- 12. Zero waste
- 13. Sustainable transport
- 30. Tourism

Aberdeen Local Development Plan 2023

<https://www.aberdeencity.gov.uk/services/planning-and-building-standards/local-development-plan/aberdeen-local-development-plan>

- H1 Residential Areas
- WB1 Healthy Developments
- WB2 Air Quality
- WB3 Noise
- R5 Waste Management Requirements for New Development
- VC2 Tourism and Culture
- T2 Sustainable Transport
- T3 Parking

Other Material Considerations

Interim Aberdeen Planning Guidance

[Aberdeen Planning Guidance and Supplementary Guidance 2023 | Aberdeen City Council](#)

Serviced Apartments

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Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100643140-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Victor"/>	Building Number:	<input type="text" value="53"/>
Last Name: *	<input type="text" value="Nwokolo"/>	Address 1 (Street): *	<input type="text" value="Goodhope Gardens"/>
Company/Organisation	<input type="text" value="Vion Properties Limited"/>	Address 2:	<input type="text" value="Bucksburn"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB21 9NG"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:

Aberdeen City Council

Full postal address of the site (including postcode where available):

Address 1:

636 KING STREET

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB24 1SN

Please identify/describe the location of the site or sites

Northing

808603

Easting

394297

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

The application is for a change of use to Serviced Accommodations with no internal and external alterations proposed. The property was in the past authorised for use as HMO but does not currently hold an HMO licence. The current layout of the property constitutes 7 separate rooms of which 4 are studio rooms, 2 are ensuite rooms and 1 room with an external kitchen and bathroom located down the hallway. The proposal is to use the property as self-contained units for short-term let purposes.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

Refusal Notice.

Grant of permission with Conditions imposed.

No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see the supporting document attached to this application.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Supporting Document for Appeal

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

230918/DPP

What date was the application submitted to the planning authority? *

27/07/2023

What date was the decision issued by the planning authority? *

05/09/2023

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Victor Nwokolo

Declaration Date: 14/09/2023



VION PROPERTIES LIMITED

Address: 53 Goodhope Gardens, Bucksburn, Aberdeen

E: info@vionproperties.com

www.vionproperties.com

SUPPORTING DOCUMENT FOR APPEAL OF CONDITIONS OF CHANGE OF USE APPROVAL

A planning permission for change of use was granted for property at 636 King Street Aberdeen with Application Reference Number: 230918/DPP, subject to three conditions. We would like to appeal two of the three conditions for the following reasons.

Condition 2: MAXIMUM LENGTH OF CUSTOMER STAYS of the Decision Notice document imposes a 90-day maximum length of stay in any one calendar year by any one family, individual or group of individuals. We request that this condition should be removed as it will restrict our business, especially with our returning and more frequent guests who visit Aberdeen City on many short visits totalling over 180 days cumulative in a single calendar year. Our returning guests visit the city for various purposes such as visiting lecturers to the universities, construction workers doing projects in Aberdeen, healthcare professionals visiting the hospitals, and those on a locum contract. Having established a mutual relationship with these clients, it would be bad for business to refuse their booking in light of this condition.

Condition 3 TIME LIMIT FOR SERVICED APARTMENT USE of the Decision Notice document imposes a 5 year expiration of the approved use of the property as serviced apartment accommodation. We appeal for this condition to be also removed as we plan to use the property as serviced apartment accommodation permanently on a long-term basis.

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